

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

TABLE OF CONTENTS	
Section	Topics
1.1	Purpose
1.2	Overview of policy
1.3	Authorities
1.4	Responsibilities
1.5	Types of inspections
1.6	Safety requirements
1.7	Removing wildlife from the inspection premises for identification
1.8	Avoiding damage to or death of wildlife during inspection
1.9	Clearing wildlife shipments (General, Imports, Exports)
1.10	Changing Form 3-177 and CITES forms
1.11	Verifying permits and foreign laws
1.12	Submitting document packages to HQ/OLE after clearance
1.13	Special inspections and clearance
1.14	Inspecting hybrids, synthetic DNA, urine and feces, venom, and antivenin
1.15	Detaining shipments
1.16	Refusing clearance
1.17	Options for shipments after refusing clearance
1.18	Handling, caring for, and placing seized, abandoned, or forfeited wildlife
1.19	Elephant products
1.20	Other Federal agency requirements and interaction

1.1 What is the purpose of this chapter? This chapter provides the policies and procedures Service officers need to inspect wildlife imports and exports. This chapter supersedes the Import/Export Manual.

1.2 What is the policy? Service officers must:

A. Determine whether any wildlife shipment is subject to our inspection and clearance requirements under 50 CFR Part 14.

B. Follow standard procedures in this chapter for examining shipments to ensure consistency in the wildlife inspection program.

1.3 What are the authorities for this chapter? The authorities for this chapter are:

A. The Lacey Act (16 U.S.C. 3375(b)).

B. The Endangered Species Act (16 U.S.C. 1540(e)).

C. Importation, Exportation, and Transportation of Wildlife (50 CFR Part 14).

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

D. 446 DM, Law Enforcement.

1.4 Who is responsible for inspecting wildlife and wildlife product imports and exports?

A. The **Chief, Office of Law Enforcement** is responsible for all employees of the Office of Law Enforcement.

B. Special Agents in Charge are responsible for law enforcement operations in the Regions.

C. Service officers are responsible for enforcing the laws and treaties as we describe in this chapter.

1.5 What are the types of wildlife import/export inspections? We inspect documents associated with the international movement of goods, and we inspect any wildlife shipments or any conveyance or package, including accompanying baggage, that may contain wildlife.

A. Document Inspection. Service officers may review any documents that are associated with the international movement of goods into, out of, or in-transit through the United States.

(1) These documents referred to collectively as a “document package,” may include but are not limited to:

(a) Manifests,

(b) Way bills,

(c) Invoices,

(d) Packing lists,

(e) Receipts, and

(f) Permits or certificates.

(2) Service officers may ask to see the document package when they detect wildlife or when someone presents a wildlife shipment for clearance at any customs port of entry/exit. The required documents vary depending on the shipment’s origin and destination, the type of wildlife, and other factors. Importers and exporters must provide a complete document package to obtain clearance for a wildlife shipment.

(3) Service officers review all documents in the package for accuracy and consistency and collect any associated fees.

(4) Service officers must determine if the shipment complies with Federal, State, tribal, and foreign laws, and if all documents are authentic, valid, and consistent with the shipment. A valid document means a document that has specific conditions or criteria that must be completed by the appropriate foreign authorities. Service officers may compare the document package with the actual wildlife in a shipment by physically inspecting the shipment.

(5) There are two types of document packages—import and export packages:

(a) Import document packages must include the following documents:

(i) Original Form 3-177 (Declaration for Importation or Exportation of Fish or Wildlife). We consider an electronic Form 3-177 submitted through the Service’s eDecs system or any other electronic system to be an original.

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

(ii) Original of any required Convention on International Trade in Endangered Species (CITES) documents. (Some CITES documents allow for copies instead of originals. The document describes those conditions.)

(iii) Original of any required foreign wildlife export or re-export document.

(iv) Original of any required U.S. CITES or Service import permit or certificate.

(v) Copies of all other pertinent documents (refer to 50 CFR Part 14 for specific document requirements).

(b) Export or re-export document packages must include the following documents:

(i) Original Form 3-177. We consider an electronic Form 3-177 submitted through the Service's eDecs system or any other electronic system to be an original.

(ii) The inspection copy of any valid required U.S. CITES document.

(iii) Original of any other required Service export document.

(iv) Copies of all other pertinent documents (see 50 CFR Part 14).

B. Physical Inspection. Service officers:

(1) May conduct physical examinations of shipments, conveyances, accompanying baggage, or other containers to:

(a) Ensure that the contents of a shipment match the information in the document package,

(b) Verify compliance with humane transport regulations and labeling or marking requirements, and

(c) Detect and interdict illegal wildlife.

(2) Have discretion about whether or not to conduct a physical inspection. They base their decision on the nature or origin of the wildlife involved; the documents presented; and available intelligence, inspection alerts, or other information.

(3) Do not recognize other agency's physical inspections the same as a physical inspection performed by the Service.

1.6 What safety requirements must Service officers follow when inspecting imports/exports of wildlife? Service officers must:

A. Follow the safety requirements in 241 FW 9, Wildlife Handling and Inspections, when physically

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

inspecting imports and exports of wildlife.

B. Handle or inspect any shipment marked or labeled as hazardous, bio-hazardous, radioactive, medical, bio medical, toxic, or that has some other health warning or carries specific special handling instructions in the following manner:

(1) Obtain supervisor's authorization, and

(2) Coordinate with appropriate agency(ies) (see section 1.20 for information about coordinating with other agencies). Those agencies that cooperate should be on site.

1.7 What must Service officers do when they remove wildlife from the inspection premises for identification?

A. If Service officers remove wildlife from the inspection premises for identification, they must issue a property receipt (Form 3-155 or Form 3-155A) to the importer/exporter, broker, or the carrier. Service officers should ask the importer/exporter, broker, or carrier to sign the receipt.

B. When Service officers return wildlife to an importer/exporter, broker, or carrier, they should ask the person accepting the property to sign a property receipt acknowledging the return.

C. If a property receipt for the removal or return of wildlife is not signed by the owner of the property or their representative, the Service Officer must ask another Service officer, U.S. Bureau of Customs and Border Protection (CBP) officer, airline supervisor, or similar authority to witness the removal or return by signing the receipt.

D. If Service officers return property using the U.S. Mail or other delivery service, they must track the shipment. They must also include a completed property receipt in the package with instructions for how the owner of the property should return the signed receipt.

E. Service officers should send wildlife requiring specialized identification to our National Fish and Wildlife Forensics Laboratory (see 448 FW 1).

1.8 What should Service officers do to avoid damage to or death of wildlife during inspections?

Service officers:

A. Must take reasonable care to avoid damaging the contents of wildlife imports or exports when opening containers and handling or caring for wildlife we take into our custody. An importer or exporter may file a tort claim with the Department of the Interior for any damage or death that occurs to wildlife while held by the Service.

B. Should securely reseal all containers using tape showing that they opened and inspected the container.

C. Must record damage noted before or during inspection, or caused by inspection, on the Form 3-177 and the air waybill or bill of lading. Service officers should:

(1) Note the nature of the damage and the time it occurred, if known, and

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

(2) Take photographs of the damaged goods or containers.

1.9 How do Service officers clear wildlife shipments? Service officers may clear wildlife shipments when they determine the shipment complies with Federal, State, and tribal statutory and regulatory requirements and/or foreign treaty requirements. A Service officer's clearance of a wildlife shipment does not preclude a follow-up investigation and does not certify the legality of the shipment (50 CFR 14).

A. General Procedure:

(1) Service officers clear a wildlife shipment by stamping documents in red ink "cleared" or indicating this electronically through the eDEC or other governmental system to advise the importer/exporter, broker, the carrier, CBP, and other concerned agencies that the shipment meets our requirements.

(2) For hard copy documents, Service officers use the authorized clearance stamp containing their badge number. Service officers must sign and date over the stamp.

B. Procedure for Clearing Imports:

(1) On the original Form 3-177 and any copies of the form, Service officers stamp "cleared" in the space at the bottom marked "For Official Use Only." Return at least one copy of the cleared Form 3-177 to the filer.

(2) For CITES shipments, Service officers stamp "CANCELED" in the upper right portion of the original or authorized copy of the CITES document in an area where the stamp will not obscure any information. Service officers should:

(a) Put their badge number and date within the stamp, and

(b) Ensure that the filer receives a copy of the canceled CITES document.

C. Procedure for Clearing Exports:

(1) On the original Form 3-177 and any copies of the form, Service officers stamp "cleared" in the space at the bottom marked "For Official Use Only." Officers return at least one copy of the cleared Form 3-177 to the filer.

(2) For CITES shipments, Service officers:

(a) Complete the "Export/Re-Export Endorsement" section (block 13) of the U.S. CITES export permit or re-export certificate.

(b) Complete the shipment information (block 14) of the U.S. CITES export permit or re-export certificate if available at the time of export clearance.

(c) Stamp (block 15) of any original CITES document, or authorized copy of the document, that is

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

approved for export or re-export, with the CITES validation stamp.

(d) Stamp all file copies for the exporter and the Service "CANCELED."

(3) For CITES export permits or re-export certificates that have an attached annex page submitted in the authorized format, in addition to the procedure above, Service officers:

(a) Must validate each page of the annex by stamping them with the CITES validation stamp.

(b) Ensure that the permit or certificate number appears on each page.

(c) Only use the CITES validation stamp on annexes of CITES documents that are approved for export or re-export.

(d) Stamp all file copies for the exporter and the Service "CANCELED"

1.10 How should Service officers make changes to previously completed Form 3-177s or CITES documents?

A. If Service officers make any corrections or changes on a paper Form 3-177, they should note the changes in red ink, initial, and date them. If a Form 3-177 contains multiple errors, officers may require the filer to submit a new, corrected Form 3-177.

B. If Service officers make any corrections or changes to an original U.S. CITES export or re-export document or authorized copy of the document, they must initial the changes and stamp them using the CITES validation stamp.

1.11 How do Service officers verify permits and foreign laws?

A. Service officers:

(1) May send foreign CITES or other wildlife export documents to the Headquarters, Office of Law Enforcement (HQ/OLE), for verification when there are questions about their authenticity.

(2) May request information about or copies of foreign law when there is a suspected violation of the exporting or re-exporting country's wildlife laws.

(3) Must comply with 446 FW 1, Coordination and Cooperation, when there is a need to contact foreign countries, their embassies, or foreign exporters/shippers.

B. Format of requests:

(1) Requests should go through the Service officer's supervisory chain of command to HQ/OLE.

(2) Requests involving urgent, live, or perishable shipments may be sent directly to HQ/OLE (Attn: Special Agent in Charge, Branch of Investigations), with a follow-up communication through their supervisory chain of command.

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

- (3) Requests should be sent to HQ/OLE as a foreign lead if the wildlife has already been seized for violation of other laws or the permit verification or foreign law request is part of an open investigation.
- (4) Permit verification requests should include a scanned or faxed copy of the documents in question and explain the reason(s) for questioning their validity, if any.
- (5) Foreign law requests should provide details on the nature of the shipment, including method of shipping, type of shipment (commercial, research, personal, etc.), and the species in question. For foreign laws needed in court proceedings, Service officers should make any requests for a certified copy of a foreign law at least 6 months before the court date.

C. Responses from HQ/OLE.

- (1) HQ/OLE must provide any incoming foreign information to the Service officer through the chain of command within 5 business days of receiving the information from the foreign country.
- (2) If a foreign country fails to respond to a HQ/OLE request for information within 30 days of submission, HQ/OLE must contact the Service officer only if the request was submitted as a foreign lead. HQ/OLE will not notify the Service officer about other unanswered requests.
- (3) After 30 days, the Service officer should take action on the shipment based on the information available. If HQ/OLE receives the requested information after 30 days, HQ/OLE will give it to the Service officer.

1.12 What must Service officers do with Form 3-177 document packages after a shipment passes inspection? A Form 3-177 document package consists of a Form 3-177 and any attached documentation. This document package is the permanent record of an import or export wildlife shipment. Service officers must:

- A.** Send paper document packages to the data entry center after they collect the document package, clear the shipment, and code all the species data. The staff at the data entry center enters the information into the Law Enforcement Management Information System (LEMIS).
- B.** Send eDec paper document packages to the data entry center for scanning once eDec is complete and accurate. Records entered into the eDecs system are stored electronically in Denver.

1.13 What shipments require special inspection and clearance? Some wildlife shipments require special inspection and clearance procedures due to the type of transportation, the wildlife category, the intended use of the wildlife, or the final destination of the wildlife. Sections 1.13 A through D below list those special cases. (Also see section 1.14 for information about inspecting hybrids, synthetic DNA, urine and feces, venom, and antivenin.)

A. Live Wildlife and Perishable Items. Due to the high potential for mortality or deterioration, Service officers should give inspection of live and perishable shipments priority over examination of all other types

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

of shipments.

B. In-transit Shipments. A shipment is in transit when it is being imported into or passing through the United States. Because "in transit" has multiple meanings for inspecting and clearing wildlife, we use "domestic in-transit" and "foreign in-transit" to more clearly describe the activity (see sections 1.13B(1) and (2) below). The type of CBP entry determines which term applies for Service officers.

(1) Domestic In-transit. These wildlife shipments arrive at a Service port and will be transported under CBP control to a second CBP port within the United States where CBP clearance occurs. CBP calls these shipments "Immediate Transportation" entries. Importers must present these shipments for clearance at the Service port unless the port of destination is a designated port or a port exception permit allows entry at the port of destination.

(2) Foreign In-transit. These wildlife shipments are being transported through the United States under CBP control from a point of origin outside the United States to a destination outside the United States. The CBP calls these shipments "Transportation and Export" or "Immediate Export" entries. Although foreign in-transit shipments are generally exempt from declaration requirements, they are not exempt from humane transport or foreign law requirements. Foreign documents that accompany foreign in-transit shipments should remain with the shipment, except if the Service or CBP seizes the wildlife. In that case, the documents are held as evidence.

(a) We do not require declarations for foreign in-transit shipments. If a Service officer physically inspects a foreign in-transit shipment containing, or suspected of containing, protected wildlife, he/she must complete a Form 3-177, to document the physical inspection. The Service officer should note on the Form 3-177 that it was completed by a Service officer, and code the shipment in LEMIS as an in-transit shipment.

(b) U.S. territories and possessions lie outside the CBP zone. Because of this, CBP may designate a shipment as foreign in-transit, although the point of origin and/or destination is a U.S. territory or possession. Shipments from these places may be subject to Service regulations. Following are two examples:

(i) A shipment of wildlife products from Europe to Puerto Rico or the U.S. Virgin Islands goes through Miami, Florida. This shipment is subject to Service importation requirements, even though CBP in Miami may treat it as foreign in-transit.

(ii) A shipment of wildlife products from Guam to American Samoa goes through Honolulu, Hawaii. CPB in Hawaii may treat this shipment as foreign in-transit, but we consider it a shipment from territory to territory. As such, it does not require a Service declaration or clearance at departure, destination, or in Honolulu.

C. Protected Species in Foreign In-transit Shipments.

(1) Endangered or Threatened Species. Service officers must treat commercial foreign in-transit shipments that contain species listed as endangered or threatened as imports. These shipments must meet all applicable requirements under 50 CFR 17.2-17.108. If a non-commercial foreign in-transit shipment containing endangered or threatened species meets all the following criteria, Service officers will not seize it:

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

- (a) The wildlife was lawfully taken and exported from the country of origin or country of re-export;
- (b) The wildlife may be lawfully imported into the country of destination;
- (c) The exporter or owner gave explicit instructions not to ship through the United States or took all reasonable steps to prevent shipment through the United States, and the circumstances leading to the shipment through the United States were beyond the exporter's or owner's control;
- (d) The wildlife remains under CBP control;
- (e) The shipment complies with humane transport standards in 50 CFR 14.101 to 14.172;
- (f) The shipment complies with CITES requirements, if applicable; and
- (g) Other U.S. wildlife laws do not protect the wildlife.

(2) CITES Species Not Listed Under the Endangered Species Act (ESA). Wildlife species listed under 50 CFR 23 may move in transit through the United States, but must be accompanied by valid CITES documents from the country of export or re-export, if required.

(3) Species Protected Under the Wild Bird Conservation Act. Wildlife species listed under 50 CFR 15.2 to 15.33 may move in transit through the United States, but must be accompanied by valid CITES documents from the country of export or re-export, if required.

(4) Other Protected Species. We treat some regulated wildlife that is in foreign in-transit shipments as imports. These shipments must meet the import requirements of applicable laws and regulations. Following are those types of wildlife and the corresponding regulations:

- (a) Injurious wildlife (50 CFR 16.2 to 16.33),
- (b) Marine mammals (50 CFR 18.3 to 18.127),
- (c) Migratory birds (50 CFR 21.2 to 21.60), and
- (d) Bald or golden eagles (50 CFR 22.2 to 22.32).

1.14 How do Service officers inspect wildlife shipments containing hybrids, synthetic DNA, urine, feces, venom, and antivenin?

A. Endangered or Threatened Species Hybrids. Hybrids of species listed under the ESA are the offspring of two animals or plants where each parent is from a different species and where at least one parent is an endangered or threatened species. Following are two examples of hybrids of endangered species common in trade:

- (1) **Boghdi Camel.** The Boghdi camel is a cross between a Bactrian camel (*Camelus bactrianus*), and a

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

Dromedary camel. The Bactrian camel is an endangered species and exists in the wild in S.W. Mongolia and S.W. China. The Boghdi are captive camels that are heavier, have larger humps, and have longer hair than wild Bactrian camels. The hybrid Boghdi camels may be imported or exported without an ESA permit and are considered to be a domesticated species that is exempt from Service clearance.

(2) Banteng Ox (*Bos javanicus*). The banteng is listed as an endangered species under the ESA, but is not listed under CITES. The banteng was introduced into Australia from Indonesia in the 1840s and has reverted to the wild. The Australian population of banteng consists of hybrids. Hybrid bantengs from the Australian population may be imported without an ESA permit. A copy of the Australian hunting permit must accompany the banteng as proof of legal take and Australian origin. Bantengs from populations other than Australia require an ESA permit.

B. Synthetic DNA. Synthetic DNA contains no part of the original DNA template. Synthetic DNA is not subject to the permitting or other requirements of CITES, Federal conservation statutes, or their implementing regulations, unless the importing or exporting country requires it.

C. Urine and Feces. Service import/export requirements do not apply to urine or feces, unless the importing or exporting country requires CITES documents.

D. Venom and Antivenin. Importers/exporters of raw or unrefined venom must declare it as wildlife. The venom is regulated as required for the source species. Importers/exporters of antivenin must declare it as wildlife, and the shipment must be properly labeled and accompanied by any permits required for the species involved when original parent material is present. Wildlife import/export requirements do not apply to antivenin containing only horse or sheep serum proteins or to synthetic serums.

1.15 How do Service officers detain wildlife shipments? Service officers may detain wildlife shipments when they require further identification to identify species, documents require verification, or additional inquiries are necessary. Service officers must follow the detention notification procedures provided in 50 CFR Part 14 for any detention lasting longer than 5 business days.

1.16 When and how do Service officers refuse clearance of a wildlife shipment? Service officers must refuse clearance of wildlife shipments when documents and/or physical inspection indicate that there is a violation of Federal wildlife laws or when there is non-compliance with other Federal, State, and tribal or foreign treaty requirements. The Service officer who refuses clearance of a wildlife shipment must advise the importer/exporter, broker, carrier, CBP, and other concerned agencies that the shipment does not meet the legal requirements for shipment.

A. Partial Refusal. Service officers may determine that only a portion of a wildlife shipment does not comply with our requirements. We may clear only the portion of the shipment that is in compliance. In this situation, Service officers must:

(1) Document the necessary evidence to show the violations, and in particular, any wildlife in excess of the quantity declared, before releasing any portion of a shipment.

(2) Clearly indicate on the Form 3-177 which items are cleared and which items are refused.

(3) Stamp the Form 3-177 "cleared" in red ink in the official use only block at the bottom of the form.

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

(4) Notify the importer, exporter, broker, or owner that they refused clearance for a portion of the shipment and explain why. Also explain the seizure procedures and the options available to them (see section 1.17).

(5) In the eDecs system, mark the action in each item block and explain the reason for the action(s) in the comments block.

(6) Coordinate any authorized manipulation of the shipment with the CBP.

B. Complete Refusal. When an entire shipment does not comply with Service requirements, Service officers must:

(1) Stamp "Refused Clearance" in red ink in the official use only block at the bottom of the Form 3-177, if available.

(2) In the eDecs system, mark the action in each item block and explain the reason for the action(s) in the comments block.

(3) Notify the importer, exporter, broker, or owner that they refused clearance for the shipment and explain why. Also explain the seizure procedures and the options available to them (see section 1.17).

C. Wildlife Seizures Made by Other Agencies. If another agency (for example, CBP or the U.S. Department of Agriculture's Animal and Plant Health Inspection Service) refuses clearance for and seizes a wildlife shipment on behalf of the Service, Service officers must determine whether the shipment violates our requirements.

(1) If the shipment violates Service requirements, officers must process the violation under Service seizure procedures.

(2) If the shipment does not violate Service requirements, the Service officer must ensure that the wildlife is returned to its owner as listed on the accompanying documents.

1.17 What do Service officers do after they refuse clearance of a shipment? When Service officers refuse clearance of a shipment or part of a shipment, they must enter the data from Form 3-177 and investigation data into LEMIS.

A. There are five options Service officers may choose for the refused shipment. The Service officer should select the option based on the commodity, the quantity, the violation history of the violator, and the violations detected. Service officers must ensure that the shipment does not violate any U.S. laws or regulations other than those enforced by the Service before considering options other than seizure. Officers should consider seizure or abandonment before any other options. (See section 1.18 for information about caring for or placing seized or abandoned wildlife.)

B. The five options available are:

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

(1) Obtain corrected or new CITES or foreign law permit.

(a) CITES-listed species. Service officers must coordinate with HQ/OLE for all communication with the foreign CITES Management Authority.

(i) For wildlife shipments generally, Service officers may allow the importer/exporter to obtain a corrected CITES permit when a foreign CITES Management Authority admittedly has made an error on an existing CITES permit after official consultations between both nations have occurred and the foreign nation has agreed to issue a corrected CITES permit. The Service will not allow importers/exporters to obtain a CITES permit when a permit was never issued for a wildlife shipment.

(ii) For wildlife shipments accompanying personal or household effects that require a CITES permit, Service officers may allow the importer/exporter to obtain a corrected CITES permit when the foreign CITES Management Authority admittedly has made an error on an existing CITES permit. Service officers may also allow the importer/exporter to obtain a new CITES permit when no CITES permit was issued and presented for clearance when no other violations exist and both CITES Management Authorities are satisfied that an error was made and there was no attempt to deceive.

(b) Foreign law permits. Officers must coordinate communication with the foreign country through HQ/OLE.

(i) For commercial wildlife shipments, Service officers may allow importers/exporters to obtain a corrected foreign law permit only when a designated authority in the foreign country admittedly has made an error on an existing permit. The failure to present a foreign law permit for a commercial wildlife shipment does not warrant an opportunity to obtain a foreign law permit after the fact.

(ii) For all non-commercial wildlife shipments, Service officers may allow importers/exporters to obtain a corrected foreign law permit when a designated authority in the foreign country admittedly has made an error on an existing permit. Service officers may also allow importers/exporters to obtain a permit if no permit is presented for clearance when there are no other violations and the importer/exporter can show they made a good faith effort to determine the foreign law requirements.

(2) Seizure of Wildlife. When Service officers seize a shipment of wildlife, they must follow the requirements in 50 CFR Part 12. Service officers seizing wildlife must issue a Property Receipt (Form 3-155 or Form 3-155A) to the importer/exporter, broker, or the carrier that documents the seizure.

(3) Seizure of Wildlife with Opportunity to Abandon. Service officers may allow importers/exporters to abandon property interest in the seized items to the Government. Abandonment generally means that we will take no further action, but does not eliminate our ability to assess fines and penalties. Service officers:

(a) Should ensure that importers/exporters are the owner(s) of the seized items or are authorized to act on that individual's or entity's behalf under the Civil Asset Forfeiture Reform Act (CAFRA).

(b) Must obtain the appropriate name and signature on Form 3-2096 (Fish and Wildlife Abandonment Form).

(c) May accept abandonment by importers/exporters on appropriate CBP forms (CBP Form 6051) when

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

CBP seizes wildlife on our behalf.

(4) Re-export of Imported Wildlife. Service officers may allow re-export of wildlife that does not meet statutory or regulatory requirements when the re-export is a reasonable alternative to seizure. We do not have the authority to order re-export except for injurious wildlife, but Service officers may allow the importer to re-export the wildlife back to its country of origin at the importer's expense. The re-export of wildlife does not preclude civil or criminal penalty action. To re-export:

(a) The importer or broker must provide the outbound air waybill or bill of lading as proof of the intention to re-export.

(b) The Service officer must note on the outbound air waybill or bill of lading "Refused Entry into the U.S."

(c) The Service officer should confirm with the carrier that the shipment has been re-exported.

(d) If the shipment contains CITES specimens, the Service officer must cancel the CITES document and make a copy of the document for the Service document package. The original canceled CITES document must accompany the re-exported shipment.

(5) Refusing Entry and Export without Seizure.

(a) Refusing Entry without Seizure. We use this option most often for high-volume, non-living shipments. The Service officer must:

(i) Inform the importer or broker and CBP that he/she has refused entry of the shipment into the United States, and that the Service will not be seizing the wildlife.

(ii) Note on the waybill or bill of lading "Refused Entry into the U.S." or use the "Refused Clearance" stamp. This action relieves us from the management and financial burden of storing any seized wildlife. The Service does not need to take any further action, although the importer may later abandon the shipment to the Service, request to re-export the shipment, or destroy the shipment under CBP authorization.

(b) Refusing Export without Seizure. In certain instances, we may allow the exporter to regain possession of the shipment and remove it from the export process. The Service officer must inform the exporter, and the carrier when applicable, that he/she has refused the shipment for export from the United States. The officer may use this option with a Violation Notice or civil penalty in response to the violation.

1.18 How do Service officers care for and handle seized, abandoned, or forfeited wildlife?

A. Caring for seized live wildlife. Service officers should ensure that live wildlife receives reasonable care immediately upon seizure. Service officers working in ports should develop contacts with local accredited zoos and aquaria, nature centers, and educational institutions to assist in the care of seized wildlife.

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

B. Placing abandoned or forfeited live wildlife. Service officers should contact HQ/OLE for assistance before placing abandoned or forfeited wildlife in a facility or returning it to the country of origin. HQ/OLE will work with the CITES Management and Scientific Authorities to find appropriate placement facilities and facilitate the return of live wildlife to the country of origin.

C. Disposing of abandoned or forfeited wildlife. Service officers must follow the disposal procedures in 50 CFR Part 12. Service officers must follow Service Manual guidance on sending bald or golden eagles to the National Eagle Repository (448 FW 2), and sending other wildlife property to the National Wildlife Property Repository (448 FW 3).

1.19 How do Service officers report elephant ivory and other elephant product seizures? Service officers should immediately report commercial and large non-commercial seizures of elephant ivory and other elephant products to HQ/OLE using the CITES Elephant Reporting Form (see Exhibit 1).

1.20 What do Service officers need to know about other Federal agency requirements? Service officers should know that live wildlife and wildlife parts and products may be subject to requirements or restrictions by other Federal agencies. In particular, requirements or restrictions that involve human or animal health may require specific coordination with the affected agency prior to inspection or seizure.

A. U.S. Department of Agriculture–Veterinary Services (USDA–VS).

(1) What you need to know: USDA–VS regulates the import of animal and animal-derived materials to ensure that exotic animal and poultry diseases are not introduced into the United States. Wildlife of concern includes live birds, swine, ruminants, and their parts or products. USDA–VS also restricts the import of certain live species of African tortoises and hedgehogs. Importers/exporters must pack trophies and meat according to USDA–VS requirements and unauthorized personnel may not open packages or containers sealed for animal health reasons.

(2) What you need to do: Service officers must avoid breaking quarantine or inspection seals without first notifying and receiving permission from USDA–VS. Service officers must coordinate with USDA–VS for seizures of wildlife subject to USDA–VS restrictions.

B. U.S. Department of Agriculture–Plant Protection and Quarantine (USDA–PPQ).

(1) What you need to know: USDA–PPQ regulates the import of plants and animals to prevent introduction of agricultural pests and diseases. USDA–PPQ handles quarantines, while CBP agriculture specialists handle the import and entry functions for USDA–PPQ-regulated commodities. Wildlife of concern includes insects, in particular live butterflies, moths, millipedes, and bees, as well as earthworms, snails, and slugs. USDA–PPQ also has the primary inspection role for ESA plants, and splits primary responsibility for inspection of CITES plants with CBP.

(a) CBP inspects and clears shipments of dead CITES plant materials being imported into the United States and live plants being imported from Canada at a designated plant border port. CBP also identifies and regulates CITES materials in passenger baggage, including live plants.

(b) USDA–PPQ inspects and clears shipments for the export or re-export of live and dead plants and the import of live plants, except for live plants being imported from Canada at a designated plant border port.

FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT

Law Enforcement

Part 443 Wildlife Inspection

Chapter 1 Wildlife Inspection Policy and Procedures

443 FW 1

(b) USDA–PPQ inspects and clears shipments for the export or re-export of live and dead plants and the import of live plants, except for live plants being imported from Canada at a designated plant border port.

(2) **What you need to do:** Service officers may need to coordinate with USDA–PPQ on inspection or seizure of live insects and other species of agricultural pest or disease concern. Although Service officers have full authority to inspect ESA and CITES plant shipments and enforce requirements, USDA–PPQ should generally handle such shipments. Service officers who encounter ESA or CITES plant violations should coordinate with USDA–PPQ and assist as necessary. Officers may contact the regional CITES coordinator in New York or San Francisco, or the national CITES coordinator in the USDA–PPQ Headquarters office.

C. U.S. Food and Drug Administration (FDA).

(1) **What you need to know:** FDA regulates most meat and poultry, food, drugs, biologics, and cosmetics. FDA defines food as articles used for food or drink for human or animal consumption, chewing gum, and articles used for components of any such articles. Food imports are subject to prior notice requirements under the Bioterrorism Act (Pub. L. 107-188). FDA import alerts can be found on the FDA Office of Regulatory Affairs Web site. Shipments of joint concern include sturgeon caviar, wildlife meats, drugs and cosmetics containing wildlife, and antivenin.

(2) **What you need to do:** Service officers may need to coordinate with the FDA on inspection or seizure of wildlife that is regulated by both agencies. Service officers who encounter ESA or CITES wildlife violations should coordinate with FDA to ensure that the product is seized, stored, and disposed of properly.

D. U.S. Centers for Disease and Control and Prevention (CDC).

(1) **What you need to know:** The CDC controls the importation of animals, including some species of wildlife that may pose a human health concern. CDC import alerts can be found on the CDC Division of Global Migration and Quarantine Web site. Shipments of joint concern include but are not limited to: non-human primates, African rodents, bats, some turtles and tortoises (with a shell length < 4 inches), civets and genets, bats, and birds from countries with avian influenza H5N1.

(2) **What you need to do:** Service officers may need to coordinate with CDC on inspection or seizure of wildlife that is regulated by both agencies. Although Service officers have full authority to inspect wildlife shipments and enforce requirements of the CDC, they should generally coordinate with CDC and assist as necessary. Service officers may contact/coordinate with CDC to ensure that the product is seized, stored, and disposed of properly.



DEPUTY DIRECTOR

Date: March 4, 2008

03/04/08
New

LAW ENFORCEMENT