

**A GUIDE TO THE PERMITS AND  
PROCEDURES FOR IMPORTING BIRD  
PRODUCTS INTO THE UNITED STATES FOR  
SCIENTIFIC RESEARCH AND DISPLAY**

**A PUBLICATION OF**

**THE ORNITHOLOGICAL COUNCIL**

**PROVIDING SCIENTIFIC INFORMATION ABOUT BIRDS**



**COMPILED BY ELLEN PAUL**

# **A GUIDE TO THE PERMITS AND PROCEDURES FOR IMPORTING BIRD PRODUCTS INTO THE UNITED STATES FOR SCIENTIFIC RESEARCH AND DISPLAY**

## *Introduction*

Importing bird material for scientific research or display can be a complex, time-consuming process. This guide is intended to provide a step-by-step guide for the ornithologist. Busy ornithologists have not had ready access to clear and consistent information. Attempting to navigate the complexities of importing is time-consuming and sometimes frustrating. To rectify this situation, the Ornithological Council asked the government agencies that regulate import to help us develop a guide that is accurate and thorough, and that will lead the ornithologist through the entire process, step-by-step, from paperwork to port and beyond.

We have attempted to provide clear explanations of the regulations and procedures, and to provide answers to anticipated questions or likely problems. By interviewing the agency staff who write and implement these regulations and procedures, and by having them assess this Guide for accuracy, we hoped to “fill in the blanks” between the written regulations and the realities of importing specimens and other avian material. In addition, we have provided helpful hints that are intended to help ornithologists navigate this labyrinth process smoothly.

The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture is one of two agencies that regulate the import of bird products. The other is the U.S. Fish and Wildlife Service. This fact sheet describes the requirements of both agencies for the import of carcasses, whole specimens, feathers, skins, tissues, and blood.

*Over the years, policies and procedures have changed, and these changes were not always committed to writing. As a result, varying interpretations and understandings arose and spread throughout the ornithological community. Even the agency permitting staff occasionally had slightly different interpretations. For instance, at one time, loose feathers or “old” specimens and skins could be imported without a permit. That is no longer the case. We encourage users of this Guide to start with a clean slate and relinquish information or explanations received in the past from either the government agency staff or other ornithologists.*

This information is current as of October 2005. We will make every effort to keep this Guide current by updating as regulations or procedures are changed. Each version will have a “current as of” date. You can keep informed about these changes by checking the issue date of the fact sheet on the BIRNET website or by subscribing to AVECOL-L, the listserv where we regularly post notices about government policies that affect museum-based ornithologists.

We encourage the readers of this Guide to contact us with questions or problems encountered in importing bird products. Your experiences will help us to update this fact sheet, but more importantly, will help us to identify regulations or procedures that are in need of revision. We can then work with the relevant regulatory agency to try to bring about those changes.

## *Acknowledgments*

The Ornithological Council thanks the following individuals for sharing their expertise and time to answer our many questions and to assure the accuracy of this document. Without their very patient assistance, we would not have been able to provide this extremely detailed and practical information.

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**The Ornithological Council (OC)** was founded in 1992 as a non-profit organization by the American Ornithologists' Union, Association of Field Ornithologists, Cooper Ornithological Society, Pacific Seabird Group, Raptor Research Foundation, Waterbird Society, and Wilson Ornithological Society. The Society for the Conservation and Study of Caribbean Birds, Sección Mexicana del Consejo Internacional para la Preservación de las Aves (CIPAMEX), the Society of Canadian Ornithologists/Société des Ornithologistes du Canada, and the Neotropical Ornithological Society have joined the OC in recent years. Major funding for the Ornithological Council is provided by these eleven societies.

The Ornithological Council represents ornithologists to the government agencies that make rules and regulations and issue permits that affect the practice of ornithology. The Ornithological Council also represents scientific ornithology on a wide variety of public issues concerning the science of ornithology, birds, and bird habitat. The OC also gives ornithologists a means to provide timely and relevant ornithological science about birds and bird habitat to legislators, managers, conservation organizations, and private industry. The Council also keeps ornithologists informed about policy issues affecting birds.

For more information about the Ornithological Council, please visit BIRDNET at <http://www.nmnh.si.edu/BIRDNET>.

For questions and comments about this guide, or for assistance with questions or problems pertaining to the import of bird products, please contact the Ornithological Council

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Annotated list of acronyms and technical jargon *as used in this document.*

*Regulatory usage can and usually does differ from common and scientific usage. These terms are defined in the manner in which they are used by the regulatory agencies.*

U.S. Department of Agriculture (USDA)

APHIS	Animal and Plant Health Inspection Service; the agency responsible for protecting the health of agriculture in the United States
Approved Establishment	A regulatory mechanism for the import of bird products without a permit; can be used by museums but only for preparation of display mounts and study skins
AVIC	Area Veterinarian in Charge; inspects facilities for Approved Establishment and BSL2 status
BSL2	Biosafety Level 2; a status required by VS, NCIE for microbiological and biochemical research involving imported bird products from END countries that have not been treated prior to import
Bird product	Anything that was once part of a bird; a dead bird, whether freshly killed or prepared museum specimen (regardless of age), or part of a bird, including feathers, tissues, blood, and bones; DNA extracts and PCR products, but note discussion of PCR product in text.
Certificate of origin	Documentation to prove the country of origin for bird product that will be imported into the United States
Certification of treatment	Documentation to certify the method of treatment used to inactivate END or HPAI in bird product to be imported into the United States
DHS	Department of Homeland Security; APHIS port inspectors were transferred to DHS several years ago, so you should expect to meet with a DHS staffer rather than an APHIS inspector when you come into the United States
Display mount	Bird skin prepared for display in museum
END	Exotic Newcastle Disease; variant of the viral disease that is not present in the United States
HPAI	Highly Pathogenic Avian Influenza; the variant of concern and that is addressed by the regulations is the H5N1 subtype

Museum specimen	To the USDA: synonymous with study skin or display mount. Museums also consider skeletal material or fluid-preserved material to be specimens.
NCIE	National Center for Import Export (part of Veterinary Services); regulates the import of animals, animal products, and biologics
NVSL	National Veterinary Services Laboratory (part of Veterinary Services)
Newcastle Disease	See Exotic Newcastle Disease
Research	Use of bird parts (feathers, tissue, blood, bones) for DNA extraction, stable isotope or contaminants analysis, or other microbiological or biochemical research; anything other than preparation of display mounts and study skins
Select agent	Isolates of END or HPAI (or other microbes on the APHIS or Centers for Disease Control Select Agent lists)
Species	VS, NCIE uses the word “species” to mean “birds,” “mammals,” etc. When the VS, NCIE asks for species on its permit application form (VS 16-3), it is not requesting a list of individual species.
Study skin	Flat or round (stuffed) bird skin
Transport	Movement of imported materials from the importing institution to another institution in a different state within the United States
Unprocessed, Untreated	Not treated with one of the treatment methods approved by the NVSL to inactivate END or HPAI. Unprocessed and untreated are synonymous.
Velogenic viscerotropic Newcastle disease (VVND)	One form of Exotic Newcastle Disease; the form that is not present in the United States
VS	Veterinary Services (a division of APHIS); safeguards animal health

## U.S. Fish and Wildlife Service (USFWS)

Accessioned	Some kind of permanent record is made and maintained; need not be a unique number identifier
CITES	Convention on International Trade in Endangered Species
CITES Appendix	Three lists of species that are protected under CITES; the greatest degree of protection is given to species listed on Appendix I, those on Appendix III are given the lowest degree of protection; the paperwork and procedures reflect the different levels of protection
Convention	Alternate reference to CITES
COSE	Certificate of Scientific Exchange
DMA	USFWS Division of Management Authority; issues CITES, ESA import, export-reimport, and COSE permits.
DMBM	USFWS Division of Migratory Bird Management; Washington office writes permit regulations for bird species protected under the MBTA; regional offices issue permits
Decs, E-decs	USFWS Form 3-177 for the declaration of imported wildlife; E-decs is an electronic filing system for this form
Designated wildlife port	The ports through which the USFWS allows wildlife to be imported
ESA	Endangered Species Act
LE	USFWS Office of Law Enforcement; the USFWS port inspectors are LE staff
MBTA	Migratory Bird Treaty Act
Museum specimens	Birds or parts of birds that have been accessioned into a museum collection. However, the regulations for CITES permits, the CITES Certificate of Scientific Exchange, and ESA import permits differs from the definition used for the purpose of the exemptions under Section II.A.8, below (additional USFWS forms and procedures) pertaining to the manner of import of materials that do not require a USFWS permit. These exemptions – for 3-177 declarations and designated port requirements - apply only to



dead, preserved, dried or embedded scientific specimens or parts to accredited scientists or accredited institutions for taxonomic or systematic research purposes. The USFWS is aware of this discrepancy and also recognizes that there are other legitimate research needs besides taxonomic and systematic research and plans to change the regulations accordingly. When that occurs, we will notify ornithologists and will update this Guide.

## Research

The regulation that exempts import of scientific specimens (of species that do not require import permits) from the designated port rule defines research as “taxonomic or systematics research.” See discussion under USFWS, Which port?

## I. Importing and transporting bird products: USDA requirements

The USDA Animal and Plant Health Inspection Service is responsible for protecting the health of agriculture in the United States. Among its duties are the safeguarding of agricultural sectors from the introduction of foreign animal and plant diseases and pests. The APHIS Veterinary Services (VS) program is charged with safeguarding animal health, and the National Center for Import Export (NCIE) is charged with regulating the import of animals, animal products, and biologics.

Import regulations and restrictions apply to “bird products” and are intended to exclude Exotic Newcastle Disease and the H5N1 subtype of Highly Pathogenic Avian Influenza (HPAI). Depending upon the origin of the avian material and the purpose for which it is imported, permits are usually required, the material may have to be treated to inactivate viruses, institutions may be required to meet certain biosafety standards, and use of the material after import may be restricted.

### **A. What is a bird product?**

For purposes of determining USDA import restrictions, the term “bird product” depends on the nature of the material and the date of import.

#### (1) Definition

A bird product is any dead bird, whether freshly killed or prepared museum specimen (regardless of age), or part of a bird, including feathers, tissues, blood, and bones. At one time, VS, NCIE would allow the import of “old” specimens and feathers without a permit. That is no longer the case. Both DNA extracts and PCR products are considered bird products.

Note about PCR products: Many ornithologists believe that PCR products should not be considered bird products. This issue was discussed at the permits workshop held at the AOU meeting in Santa Barbara (August 2005), with Terry Morris, DVM, representing the VS, NCIE. Subsequently, the Ornithological Council followed up by providing VS, NCIE with information about the PCR process and demonstrated that the specificity of the primers assures that foreign genetic material will not be replicated, and that in the unlikely event that foreign genetic material such as viral genetic material is replicated, that the PCR process, including the lysing of cells with SDS and precipitation of DNA in 100% ethanol, heating in excess of 60° C for more than 30 minutes, meet USDA-approved treatments standards to render the virus inactive. The VS, NCIE agreed that these conditions meet USDA-approved treatment standards. Therefore, while PCR products are still considered bird products, and must be listed on the import permit application, there is no need for further treatment (e.g., the PCR product need not be heated). When you certify that the PCR product has been treated (if certification is needed), the PCR process itself constitutes the treatment.

## (2) Date of import

For purposes of USDA import requirements, the date of import is the date that determines whether permits and/or treatment are needed. Once a country disease status that requires import permits and treatment and certification of treatment has been announced, all imports after that date must meet the applicable permit and treatment requirements. Therefore, even if the material was collected prior to the determination of the country disease status, if it is imported after the date that the disease status was announced, you must comply with treatment requirements and certification of treatment requirements. Therefore, you must check the country disease status before you return to the United States to be sure there has been no change in the country disease status. You can check country disease status at <http://www.aphis.usda.gov/vs/ncie/country.html>.

This also means that the treatment and certification of treatment requirements apply to museum specimens imported after the date that the country disease status was announced, no matter how old the specimen.

For tissues, flat skins, and round skins, this may be burdensome because you may have to treat materials prior to import. However, this provision will likely serve as a complete barrier to the import of whole birds, because none of the USDA-approved treatment methods seem appropriate for whole birds. Keep in mind that treatment is required only for materials that originate in H5N1 countries. If you wish to import from countries that are H5N1-free but where END is present, you can import without treatment if your institution is USDA-approved as BSL2. See text and chart below for details.

## **B. When is a permit required for import of bird products?**

Whether a permit is needed depends on the status of the institution and the intended use of the imported material.

### (1) Import for purposes of preparation of display mounts or research specimens

If the only use after import will be the preparation of display mounts or research specimens, and any blood, tissue, or other material remaining after preparation is discarded, **a permit is not needed** if the institution is an approved establishment.

*If you plan to handle the specimen for any purpose other than research, or if you retain loose feathers, tissue, or blood for microbiological or biochemical research, even if you have no immediate plans to conduct that research, you cannot use the Approved Establishment Agreement for the import. An import permit will be required. The only permissible use of research specimens imported under Approved Establishment Agreements is display mount or specimen preparation and display. You are not permitted to take skin or feather samples from research specimens imported under an Approved Establishment Agreement for DNA extraction, testing for contaminants, or other research*

*purposes. Skeletal material may be retained, if cleaned in a dermestid colony, but the only permissible use is physical handling.*

There has been quite a bit of confusion about the approved establishment status in the past. Some institutions did not realize that “Approved Establishment” and “BSL2 Facilities” are different and unrelated, and that “Approved Establishment” conferred only the ability to prepare display mounts and research specimens. Approved establishment status is a regulatory [9 CFR 94.6 (b)(2)] mechanism for allowing the import of untreated bird materials, regardless of country of origin (except in the case of H5N1 avian influenza), without a permit, but only for the purpose of preparing taxidermy mounts, display mounts, or research specimens. No blood, tissue, or loose feathers can be retained; bones can be retained if cleaned by dermestid beetles. No research of any kind can be conducted on material imported under an Approved Establishment Agreement. If you intend to retain loose feathers, blood, or other tissue, or anticipate wanting or needing to take subsamples from specimens for DNA extraction, contaminant or stable isotope analysis, or other purposes, your laboratory will need to be BSL2 certified. The BSL2 requirement is an additional requirement imposed by VS, NCIE as a necessary means to fulfill its function to exclude the inadvertent introduction of foreign animal diseases.

*Helpful hint: It would appear that it does not serve the purposes of research institutions to become an Approved Establishment, because it is rarely the case that the only intended use of the material is the preparation of display mounts or study skins. The BSL2 certification allows you to do everything that can be done under the Approved Establishment Agreement EXCEPT import (from countries where H5N1 is NOT present) without a permit. However, since import without a permit restricts the use of the imported materials, most of your imports will require permits anyway. Meanwhile, the Approved Establishment status is more costly and requires more frequent inspections.*

See below for procedures for becoming an Approved Establishment or a BSL2 certified facility.

Also note: If your Approved Establishment agreement was issued prior to 10 May 2004, there is an important new restriction pertaining to Approved Establishments that may not appear on your Approved Establishment agreement: No avian material originating in countries or regions where the H5N1 subtype of HPAI is present may be imported untreated. As of this writing, the countries and regions where H5N1 occurs are: Cambodia, China, Indonesia, Japan, Laos, Malaysia, South Korea, Thailand, and Vietnam, Russia, Kazakhstan, Romania, and Turkey. Always check the Country Diseases Status webpage maintained by the NCIE when applying for an import permit and before traveling outside the United States. The Country Disease status may have changed since you received your import permit, and you may need a permit amendment; you will also need to be aware of treatment and treatment certification requirements. The Country Disease status webpage is found at: <<http://www.aphis.usda.gov/vs/ncie/country.html>>.

(2) Import for research purposes: facilities that are USDA-approved as BSL2

- **must** have an import permit
- may import untreated materials – except from countries where H5N1 is present (no material from these countries or regions may be imported unless treated prior to import)
- may conduct research, including handling of specimens to take morphometric measurements or study molt patterns, retention of loose feathers, blood, and tissue, and including DNA extraction and other types of microbiological and biochemical research such as testing for contaminants and for stable isotope analysis

See below for procedures for attaining USDA-approved BSL2 status.

(3) Import for research purposes: facilities that have **not** been USDA-approved as BSL2

- **must have permits and must meet one of the following conditions:**

*Import from a country certified to be free of both Exotic Newcastle Disease and HPAI subtype H5N1*

If the materials are imported from a country certified to be free of both END and subtype H5N1, the importer may, in Box 9 of the permit application form (VS16-3), state, “None required. Materials are to be imported from a country certified to be free of END.”

Countries certified to be free of END are listed on the website of the National Center for Import/Export. See <http://www.aphis.usda.gov/vs/ncie/country.html>.

The permit issued by VS, NCIE will require that the importer present documentation at the port, on the letterhead or other business stationery of the producer or shipper, certifying that the material originated from the country or countries specified on the permit and that it has not been commingled with or exposed to avian origin material derived from birds originating from countries or regions classified by the USDA as affected with END and/or HPAI subtype H5N1. See CRITICAL INFORMATION REGARDING CERTIFICATION OF TREATMENT BELOW, AT PAGE 18.

*Note: As explained in Section II, page 46 of this document, the U.S. Fish and Wildlife Service requires documentation to prove that the imported material was exported legally from the country of origin. This documentation could be an export permit (if one is required) or a collecting permit, a letter or other documentation from the institution from which the material was acquired. The USFWS will also accept a letter or other documentation from the wildlife officials in the country of origin or re-export. This documentation should also suffice as*

*proof of origin for the USDA port inspection, provided that it also certifies that the material has not been commingled with or exposed to avian origin material derived from birds originating from countries or regions classified by the USDA as affected with END and/or HPAI subtype H5N1.*

If the avian origin material has been commingled with or exposed to avian origin material derived from birds originating from countries/regions classified by the USDA as affected with END, then the avian material must meet the requirements for material originating in countries/regions classified as affected with END and/or HPAI.

*Import from a country where HPAI subtype H5N1 is present*

If the materials are coming from a country where HPAI subtype H5N1 is present, the importer has two options:

(a) Treat the materials prior to import, with one of the following methods:

- Heat to at least 100° C for at least 20 minutes
- Heat to at least 60° C for at least 30 minutes
- Heat to at least 56° C for at least 3 hours
- Immerse in 10% formalin/phenol (comes in this way)
- Immerse in 3% solution beta-Propiolactone for at least 30 minutes
- Immerse in 3% solution sodium dodecyl sulfate for at least 30 minutes
- Immerse in phenol/chloroform (no solution strength specified; material should remain immersed throughout import and until it arrives at the institution)
- Immerse in methylene chloride (no solution strength specified; material should remain immersed throughout import and until it arrives at the institution)
- Immerse in a minimum of 70% alcohol (material should remain immersed throughout import and until it arrives at the institution)
- Affinity chromatography

*Note: these solution strengths and times are the minimums for END; you may exceed these minimum standards. If, when you apply for a permit, you are planning to treat with stronger solution or for a longer time, your permit will specify that you must meet the conditions you proposed in your permit.*

These methods have been approved by either the USDA National Veterinary Services Laboratory in Ames, Iowa or the Office International des Epizooties.

In Box 9 of the permit application (Form VS16-3), state the method of treatment. You can list more than one method of treatment (e.g., one method for skins and another for tissue and blood samples. However, do not list all alternative methods that might be used; i.e., do not state, “one of the following methods will be

used...” and list all 10 approved methods. This will cause problems at the port. Specify only the methods you intend to use. If you find, before you leave or when you are out of the country, that you can't use those methods, file for a permit amendment, specifying the method you will substitute. When issued, the permit will include a condition that requires you to obtain a certification that the materials were treated. The certification must be on the letterhead of the facility that treated the material, certifying that the material was treated, specifying the method of treatment, and certifying that the material has not been exposed to any other animal material. You will be required to show both the permit and the certification at the port.

(b) Propose an alternate treatment. In Box 9 of the permit application (Form VS16-3), state the proposed alternate method of treatment in your application form. The VS, NCIE will have it evaluated for effectiveness and acceptability by the National Veterinary Services Laboratories. The evaluation could significantly delay the issuance of your permit. Allow a minimum of three months for a decision regarding the approval/disapproval of your proposal. The VS, NCIE will also submit alternate treatment methods for approval even if the proposed method is submitted without a permit application.

*NOTE: If you are requesting approval of an alternate treatment but not submitting an application, you may ask the Ornithological Council to submit the request for you. If you receive approval for an alternate approval method, please notify the Ornithological Council so we can update this guide. These procedures will allow us to keep track of changes in the approved methods and to share that information with all ornithologists.*

*If materials are coming from a country that is certified to be free of H5N1 but that is not certified to be free of END, options (a) and (b) are acceptable, as are these additional methods:*

(c) Irradiation under the direct supervision of the National Veterinary Services Laboratory or the Foreign Animal Disease Diagnostics Laboratory (FADDL), Plum Island, NY

(d) Safety testing by the Foreign Animal Disease Diagnostics Laboratory

On your permit application form (VS Form 16-3), state in Box 9 that you are requesting safety testing by the Foreign Animal Disease Diagnostics Laboratory (FADDL). The permit that VS, NCIE issues will specify that the material must be sent to FADDL. The material will be sent to the USDA office at JFK International Airport in New York, and it will be transported by the USDA to FADDL.

(e) You may be able to make arrangements to use lab space at a nearby BSL2 institution.

If you choose this option, the materials must go directly from the port to the designated establishment. If the import permit obtained by that institution restricts use of the material to that facility (and it probably does), then it cannot be transferred unless the receiving facility obtains a transport permit. The amendment will specify treatments required before transfer. The transfer will also require that the intended recipient obtain a transport permit. See the section on Transport, below, for information about transfer of materials between institutions. As described below, if you wish to obtain a transport permit for these materials, your facility will need to be inspected by the USDA and certified as a BSL2 facility.

#### 4. Re-import of materials of U.S. origin

Animal products of U.S. origin re-imported into the U.S. must be accompanied by a veterinary import permit. Restrictions on the permit would include confirmation of the country of origin as well as a confirmation that the U.S. origin material was not exposed to any other animal origin material while outside the U.S.

#### 5. Summary chart

The following chart summarizes the import requirements and restrictions for each combination of disease status and institution status.

*How to use this chart: Read down the institution status column until you find your institution's status. Next, read down the country/region column for END status. Repeat this process for the H5N1 status and the materials status. When you find the row in which all four columns describe your institution, you will be able to determine if a permit is needed, what activities are permitted, and what kind of paperwork you will need at the port.*

<b>Institution Status</b>	<b>Country/region END status</b>	<b>Country/region H5N1 Status</b>	<b>Materials status</b>	<b>Permit needed?</b>	<b>Activities permitted</b>	<b>Paperwork needed at port</b>
Neither Approved Establishment nor BSL2	END free	H5N1 free	Untreated	YES Application VS Form 16-3	Preparation of display mounts and study skins, research	Signed VS Form 16-6A and certificate of origin
Neither Approved Establishment nor BSL2	END free or present	H5N1 present	Untreated	PROHIBITED	n/a	n/a
Neither Approved Establishment nor BSL2	END free or present	H5N1 present	Treated	YES Application VS Form 16-3	Preparation of display mounts and study skins,	VS Form 16-6A and certificate or treatment



<b>Institution Status</b>	<b>Country/region END status</b>	<b>Country/region H5N1 Status</b>	<b>Materials status</b>	<b>Permit needed?</b>	<b>Activities permitted</b>	<b>Paperwork needed at port</b>
					research	
Neither Approved Establishment nor BSL2	END present	H5N1 free	Untreated	PROHIBITED	n/a	n/a
Neither Approved Establishment nor BSL2	END present	H5N1 free	Treated	YES Application VS Form 16-3	Preparation of display mounts and study skins, research	Signed VS Form 16-6A and certification of treatment
Approved establishment Only	END free or present	H5N1 free	Untreated	No permit needed	Preparation of display mounts and study skins only	Copy of Approved Establishment agreement(VS Form16-26)and proof of origin****
Approved establishment only	END free or present	H5N1 present	Untreated	PROHIBITED	n/a	n/a
USDA certified BSL2 only	END free or present	H5N1 free	Untreated or treated	YES Application VS Form 16-3	Preparation of display mounts and study skins and research	Signed VS Form 16-6A and proof of origin
USDA certified BSL2 only	END free or present	H5N1 present	Untreated	PROHIBITED	n/a	n/a
USDA certified BSL2 only	END free or present	H5N1 present	Treated in manner required by permit	YES Application Form VS Form 16-3****	Preparation of display mounts and study skins and research	Signed VS Form 16-6A and certification of treatment*****
Approved establishment and USDA certified BSL2	END free	H5N1 free	Untreated or treated	No permit needed for preparation of display mount or study skin; permit needed for research (VS Form VS16-3); if you come in without a permit but tell the port inspector that it is going to a BSL2 facility rather than an Approved Establishment, the port inspector will insist on seeing your permit		
Approved establishment and USDA-certified BSL2	END free or present	H5N1 present	Untreated	PROHIBITED	n/a	n/a
Approved establishment and USDA-certified BSL2	END present	H5N1 present	Treated	YES Application Form VS16-3	Preparation of display mounts, study skins and	Signed VS16-6A and certification of treatment ****

Institution Status	Country/region END status	Country/region H5N1 Status	Materials status	Permit needed?	Activities permitted	Paperwork needed at port
					research	
Approved establishment and USDA-certified BSL2	END present	H5N1 free	Untreated or treated	No permit needed for preparation of display mounts or study skins; permit needed for research (Application Form VS16-3); if you come in without a permit but tell the port inspector that it is going to a BSL2 facility rather than an Approved Establishment, the port inspector will insist on seeing your permit		

### IMPORTANT NOTE REGARDING TREATMENT

It may not be possible to import whole bird carcasses from countries where H5N1 is present, because the approved treatment methods may cause deterioration or destruction the specimen or the genetic material. Numerous ornithologists are working to find solutions to this problem. If you are planning to collect in countries where H5N1 is present, please contact the Ornithological Council or check in on AVECOL for updates as to your options.

One ornithologist has succeeded in treating round skins by heating (in a conventional oven) to 65 ° C (150 ° F) for three hours without visible damage to the specimens (such as drying or loss of feathers). The effect, if any, on the genetic material, is unknown. Do not leave baking skins unattended and do not use microwave ovens. Have a fire extinguisher nearby. Flat skins can be baked using this method if the flat skin is the final product. It may not be possible to relax a baked flat skin enough to make a round skin. “Baking” an entire bird is not recommended; skin and stuff the bird first, “bake” the stuffed skin and treat the organs separately by another method.

### CRITICAL INFORMATION REGARDING CERTIFICATE OF TREATMENT

At the present time, the USDA requires that the certificate of treatment be issued by the “producer” or “manufacturer” in the country of origin. Therefore, by requiring certification on the letterhead of the producer, they are requiring certification of treatment on the letterhead of a foreign organization.

Obviously, these requirements cannot be met by researchers, who treat the materials themselves, often in the field. As a result of discussions with the staff, the VS, NCIE is now aware that in the case of import of avian specimens and tissues, the researcher is the producer, and the material is treated by the researcher.

The VS, NCIE is currently discussing this problem, and the Ornithological Council is submitting a formal request to APHIS to permit researchers to self-certify on the letterhead of their own institutions.

In the meantime, the best advice we can offer is this:

a) if you are importing specimens/tissues you collected from the field, arrange to have your "host" institution or the institution of your in-country collaborators issue the certificate of treatment; in the unlikely event that you have no in-country collaborator and no contact with an in-country institution, arrange to have the national museum provide a certificate of treatment. Obviously, it would be preferable to then treat the materials in the presence of your in-country collaborators, in the field or in the museum's facilities, so that they will feel comfortable in certifying that the materials were treated in the manner required by the permit.

b) if you are importing specimens from a collection, then obviously, the institution from which the specimens are obtained can certify treatment.

## **C. How to become an Approved Establishment or obtain BSL2 certification**

### **(1) Approved Establishments**

Call your Area Veterinarian in Charge (AVIC) to request an inspection. A list of AVICs is provided in Appendix C. The AVIC will send an inspector (usually a veterinarian) to inspect the facility and to complete and submit VS Form 16-25 (Application for Approval or Report of Inspection Establishment Handling Restricted Animal Byproducts or Controlled Materials). The inspector will hand you a VS Form 16-26 (Approved Establishment Agreement), which is an agreement by the applicant to adhere to all conditions and regulations pertaining to the handling of imported materials, to sign. Be sure to review this Agreement carefully before you sign it. You may not be able to comply with Standard Condition 10, which mandates that all restricted material be disinfected or processed within six months after receipt. The VS Form 16-26 will be forwarded by the AVIC to the VS, NCIE office in Riverdale, Maryland for review and approval; it will be returned to the AVIC office. If your AVIC office does not provide you with a copy of the VS Form 16-26, you should request a copy and keep it in your records. You may want to carry a copy with you when you import bird products to the United States.

Note that the VS Form 16-26 does NOT restrict use of the material to preparation of display mounts and research specimens. Nonetheless, this is in fact the interpretation of the VS, NCIE. If your form does not detail these restrictions, it is most likely because the inspectors do not know how museums retain and use blood, tissue, loose feathers, and specimens. The AVICs who complete this form are likely assuming that your use of specimens is limited to the preparation of display mounts and study specimens, and, therefore, do not restrict the activities that they do not realize are taking place.

Approved Establishments are inspected approximately every six months, but not every inspection is a full inspection. There is no additional fee for these inspections. The only fee is that paid at the time of application. The agreement must be renewed every three years.

### **(2) BSL2-certified facilities**

*Note variation in terminology: The Biosafety in Microbiological and Biomedical Laboratories Manual uses the abbreviation "BSL" whereas the USDA uses the abbreviation "BL." They are the same thing.*

BSL2 status is needed if:

- you wish to import untreated material (other than material originating in countries where H5N1 Avian Influenza is present; material from H5N1 countries MUST be treated prior to import)
- you intend to retain blood, tissue, loose feathers for future research (e.g., if you plan to conduct genetic or contaminants research, your facility must be BSL2); or

- you intend to use the specimens for anything other than preparing display mounts or study skins or display specimens (e.g., if you intend to take subsamples to extract DNA, your facility must be BSL2).

The first time you apply for an import permit to import untreated materials for research purposes, the VS, NCIE will contact you to make arrangements for your facility to be inspected by the Area Veterinarian in Charge (AVIC). The AVIC will send the inspection report to the VS, NCIE headquarters for approval, and if approved, this information will be entered into the VS, NCIE database. When you submit additional permit applications, they will check the database to be sure your facility is BSL2 certified.

Once your facility has been inspected and approved as a BSL2 facility, it will not need to be reinspected for another three years.

*Note: some of you have asked about multiple inspections in a single year. Note that if you have Approved Establishment status, your facility will be inspected approximately twice a year. In years when your BSL2 inspection is needed (every third year), there will be third inspection. These are different inspections for different purposes. However, if your Approved Establishment status inspection and your BSL2 inspection are due at approximately the same time, you may want to ask the AVIC to make a single visit for both inspections.*

The BSL2 checklist is found at the end of this fact sheet and the BSL standards can be found at <http://bmb1.od.nih.gov/> or <http://www.cdc.gov/od/ohs/pdffiles/4th%20BMBL.pdf>.

## **D. How to obtain an import permit**

### 1. Permit form - mechanics

The permit application form is VS Form16-3, which is available online at <http://www.aphis.usda.gov/vs/ncie/pdf/vs16-3.pdf>. You can also apply online at <https://web01.aphis.usda.gov/ias.nsf/Mainform?OpenForm>. Once on this page, click on “continue with online application” and then click on “animal product” and “continue” to reach the application form.

*Helpful hint: be sure to print a copy of the application BEFORE you hit “submit.” Once you submit the form, you will not be able to retrieve a copy.*

Given the need to include a comprehensive list of bird products and to include numerous requests for special conditions, you most likely will not be able to use the online form. We recommend that you submit a paper form via fax or mail, attaching additional pages as needed to be sure you have submitted all information needed to obtain the permit conditions you need (such as import in personal baggage, authority to distribute imported material, and inclusion of all bird products from all countries).

*Helpful hint: do NOT submit one permit application for all the departments in your institution. Submit the bird application separately. A single application for birds, mammals, and other taxa requires VS, NCIE to conduct an extremely complex analysis of the restrictions pertaining to each species, each country, and each pathogen. This time-consuming analysis will delay your permit substantially.*

You can also check the status of your permit application on that same website. The permit will be sent to you by e-mail, fax, or hard copy, at your choice. Upon receipt, it must be signed. The signature signifies that you agree to abide by the terms of the permit.

*Helpful hint: be sure to include your phone number and fax number. It is often necessary for VS, NCIE to request additional information or to send documents by fax. If they do not have your fax number, issuance of your permit could be delayed.*

Allow a minimum of 6-8 weeks for the processing of your application. If VS requests more information, please answer the request promptly, to avert a delay in the issuance of your permit. If your lab has not been certified as a BSL2, it could take several months to obtain your permit, depending on the availability of an inspector. The permit is not issued until the lab has been inspected.

Remember that if you are not a BSL2 facility and you are importing materials that must be treated to import and you wish to use a method of treatment that is not on the list above, allow at least an additional three months for approval of the new treatment method.

Once the permit application is approved, you will receive a signed VS Form 16-6A: United States Veterinary Permit for Importation and Transportation of Controlled Materials and Organisms and Vectors. This form will list any restrictions or conditions.

*Helpful hint: Apply for the import and transport permits at the same time. At the top of the form, type below the title “Application for Permit to” “IMPORT AND TRANSPORT” and cross through the words “import or transport” that are printed on the form. Obtaining both permits at once will eliminate the need to file two separate forms (which are otherwise identical) and have two separate inspections (which are otherwise identical).*

*Send a check for \$188 (or twice the current fee for a single application) and request that the import and transport permits be issued at the same time. The Ornithological Council has asked VS, NCIE to consider processing import and transport applications submitted at the same time for a single fee of \$94. If and when VS, NCIE agrees, we will post a notice on AVECOL and update this guide.*

## 2. What to include on your permit application

Understand that the application covers all activities for a full year. Therefore, if you import various products from numerous countries during the duration of the permit, you should file an application that covers all possible imports from all countries. Otherwise, you may find yourself in need of a permit amendment, which will require an additional fee and a delay.

[If you intend to import only from countries where H5N1 is NOT present and you intend to treat all materials prior to import, these suggestions are not applicable. If your application lists countries where H5N1 is not present, and states that you will treat all materials prior to import, you will be able to import without having to meet BSL2 laboratory standards – but then you must in fact treat all imports as required on the permit and must present a certificate of treatment at the time of import. See At the Port, below, for further details on the certificate of treatment].

Based on discussions with VS, NCIE and with ornithologists, we suggest that the application form include the following information:

As above, consider applying for the import and transport permit at the same time.

- Box 1, Mode of transportation: Check “any”
- Box 2, U.S. Ports of Entry: *Various*
- Box 3, Importer

At the present time, the USDA requires that the permit be issued to a single, named individual. The USDA allows the permit to be used by other museum employees, students, research collaborators, and visitors. Those individuals should have either museum identification or a letter, on museum letterhead, stating that the individual is authorized to use the permit (or both).

We anticipate problems at the ports with this system, so we have asked VS, NCIE to consider issuing permits to the “Director <name> and employees, students, research collaborators, and visitors of the museum.” Because VS, NCIE requires that the permit be signed, a specific individual must be identified by name, and if that individual leaves the institution during the one year that permit is in effect, the permit must be amended to identify another individual.

A related problem is the common permit restriction that states that the imported material can only be used by the named permittee or under the supervision of the named permittee. That constraint is obviously problematic because the imported material can be used for many years or decades (or even centuries) after the named permittee has left the institution, or because the material may be distributed to other institutions (see transport permits, below).

Once we have a response from VS, NCIE, we will post a notice on AVECOL and amend this guide.

- Box 4, Shippers: enter “*various*” shippers and “*various*” countries

Add in this box “*IF SHIPPED FROM H5N1 COUNTRIES, TREATMENT WILL BE AS IN BOX 9*” and “*MAY BE IMPORTED IN PERSONAL BAGGAGE.*”

- Box 5, Materials to be imported: list “*see attached*”

It is advisable to list all bird products in your application, even if you intend to import only some kinds of products. Otherwise, if you then decide to bring in other types of products, your samples or specimens will be held in quarantine at the port by the Department of Homeland Security while you apply for an amended permit. At the permits workshop held at the August 2005 AOU meeting, it was suggested that ornithologists compile a complete list of imported materials for use as a standard reference. The suggested list of bird products is as follows:

#### ALL BIRD SPECIES

- Whole (dead) birds (unprepared): including frozen carcasses.
- Any piece, part or subsample of a (dead) bird (unprepared or prepared; frozen, dried, salted or fluid-preserved): including but not limited to skin, wings, legs, Partial skeletons or skulls, muscle, connective tissue, and organs – such as heart, liver, kidney, lungs, brain, eyes
- Bird skeletons (fully or partially prepared; partial or whole; dried, frozen, salted, or fluid-preserved) including those fully cleaned of any meat or remaining tissue or those only partially prepped with tissue/muscle remaining on the carcass.
- Fluid-preserved bird specimens (whole or partial) injected and fixed with formalin or alcohol preparations
- Bird taxidermy specimens: study skin, research or mounted display specimens (fully prepared or partially prepared; may be dried, frozen, salted, or fluid-preserved): including any skin with attached feathers (flat or round and stuffed)
- Scrapings of skin and feathers, dried or fluid-preserved
- Blood and blood products (frozen, dried, fixed on slides, dried on filter paper or



- other media, or stored in buffer or preservation solution)
  - Individual feathers (may include trace quantities of blood or tissue attached).
  - DNA, RNA or other cellular byproducts (previously extracted from tissue/blood; frozen or stored in water, buffer or preservation solution or alcohol)
  - PCR products
  - Nests (may contain fecal material, egg shell fragments, feathers, or other bird byproducts)
  - Fecal material (frozen, dried, or fluid-preserved)
  - Whole eggs or egg fragments (unprepared or prepared) including frozen, dried, salted, or partially blown.
  - Bird parasites (either still associated with the bird skin or carcass, or preserved as ancillary material)
  - Stomach or crop contents ( frozen or fluid-preserved), including regurgitated owl pellets; may include stomach or stomach lining collected in addition to contents.
- Box 6, Quantity, frequency of importation, completion date: *numerous shipments of various quantities throughout the duration of the permit*
  - Box 7, Proposed use of material: *Preparation of display mounts, study skins; physical handling and manipulation of mounts and skins; biochemical and microbiological research using tissues; distribution to other research institutions, museums, and educational facilities.*
  - Box 8, if for use in animals, specify the species: *this applies only to in vivo research: Enter "not applicable" unless you intend to conduct research involving live cells or living organisms.*
  - Box 9, treatment of material prior to import into United States: *for materials imported from countries from H5N1 countries, the following treatments will be used (list one or more of the treatments on the USDA-approved treatment list as are appropriate for the materials you anticipate importing. We recommend that you not list all treatment methods unless you anticipate using all of them.*
  - Box 10, final disposition of imported material and derivatives: *Some material will be retained indefinitely as display mounts or study skins, tissues will be preserved or tested to destruction, some materials may be distributed to other research institutions, museums, or educational facilities.*

### 3. Permit duration, amendment, and renewal

Permits are good for one year. The Ornithological Council has requested that the permit duration be increased to two years. The VS, NCIE is considering this request.

Be sure to submit the request for renewal at least 10 weeks prior to the expiration of the permit, and longer – at least an additional three months - if you are submitting a new treatment method for testing.

If you need an amendment for any reason, including a change of the named permittee, be sure to file it immediately – especially if your researchers are about to return to the United States with imports. If you need the amendment within six weeks of the date of the researcher's planned return, you should explain the circumstances to VS, NCIE (including the planned return date) and request expedited processing. If the researcher returns without the amended permit, it is

possible that the imports will be confiscated and either destroyed or returned to the country of origin.

## **E. At the port**

### 1. Which port?

Animal products can be imported into any port. Note, however, Section II of this fact sheet, listing the U.S. Fish and Wildlife Service port restrictions.

### 2. If you need a permit amendment, obtain it before turning it to United States

Do not even think of attempting to come into a port with materials that are not listed on your Form VS 16-6a, or materials that have not been treated as required. If you do so, the materials will be confiscated and may later be destroyed or returned to the country of origin. There is no guarantee that you will be able to retrieve materials that were returned to the country of origin. If you find that you want to bring materials that are not listed on your permit, or that have not been treated in accordance with the conditions on your permit, you **MUST** apply for and receive a permit amendment before you attempt to bring these materials into the United States.

If you complete your application as recommended below, this should not be a problem, as those instructions are intended to result in a comprehensive permit that will cover all imports and all treatment requirements.

### 3. Documentation needed at the port

#### *Entry under Approved Establishment provisions*

- (a) Provide a copy of the Approved Establishment Agreement. Although the USDA maintains a list of Approved Establishments, it is always advisable to carry a copy of the Approved Establishment agreement when you come into the country.
- (b) Declare the material and indicate it is going to a USDA approved establishment. No permit or certificate of origin is needed.
- (c) The inspector verifies that the establishment is on the approved list and that it is approved to handle the material in question.
- (d) Once verified, the inspector will complete a form (VS Form 16-78) and give you a copy.
- (e) The inspector also forwards a copy to the USDA office in the state of destination.
- (f) The inspector places yellow quarantine tape or a seal around the conveyance and lets the importer take it to the approved establishment.
- (g) The USDA office in the state of destination follows-up with the approved establishment to ensure the material arrived.

#### *Entry with a permit*

If a permit is required, you will be expected to have the signed permit (VS Form 16-6A). Declare (on the Customs declaration form) that you are carrying restricted materials and should be prepared to show the permit.

If you are importing products from countries not certified to be free of END, but your facility is an Approved Establishment or BSL2-certified, the permit will allow you to bring the materials in untreated. If yours is not an Approved Establishment or a BSL2 facility, you will need to show a certificate showing that the materials were treated in accordance with the methods specified in your permit. If the material originated in an H5N1 country, or was commingled with material that originated in an H5N1 country, it must be treated prior to import with a method of treatment that has been approved by the USDA.

At the present time, the USDA requires that the certificate of treatment be issued by the producer or manufacturer in the country of origin. Therefore, by requiring certification on the letterhead of the producer, they are requiring certification of treatment on the letterhead of a foreign organization.

Obviously, these requirements cannot be met by researchers, who treat the materials themselves, often in the field. As a result of discussions with the staff, the VS, NCIE is now aware that in the case of import of avian specimens and tissues, the researcher is the producer, and the material is treated by the researcher.

The VS, NCIE is currently discussing this problem, and the Ornithological Council is submitting a formal request to APHIS to permit researchers to self-certify on the letterhead of their own institutions.

In the meantime, the best advice we can offer is this:

a) if you are importing specimens/tissues you collected from the field, arrange to have your "host" institution or the institution of your in-country collaborators issue the certificate of treatment; in the unlikely event that you have no in-country collaborator and no contact with an in-country institution, arrange to have the national museum provide a certificate of treatment. Obviously, it would be preferable to then treat the materials in the presence of your in-country collaborators, in the field or in the museum's facilities, so that they will feel comfortable in certifying that the materials were treated.

b) if you are importing specimens from a collection, then obviously, the institution from which the specimens are obtained can certify treatment.

Expect to be directed to the Department of Homeland Security, not APHIS Plant Protection and Quarantine Services, as these functions have been transferred to Homeland Security.

#### 4. Named permittee

If you plan to have anyone other than the individual named in the permit bring restricted materials into the country, please let VS, NCIE know that when you apply for your permit. Ask that the permit include a condition that "this permit entitles anyone affiliated

with the institution to use this permit.” The individual who is using the permit should be prepared to show some kind of proof that he or she is affiliated with the institution. Proof could consist of a photo ID issued by the institution or a letter on the institution’s letterhead, certifying that the individual is bringing the materials in subject to your institution’s permit. The VS, NCIE cannot guarantee that the Department of Homeland Security staff at the port will accept this documentation. As an alternative or a supplement, you can ask for a permit amendment naming the specific individual or individuals who will be carrying materials into the country.

#### 5. Select agents

Certain bird microorganisms are considered to be “Select Agents” and can be imported only through specified ports. Select agents include Viscerotropic Velogenic Newcastle Disease and any Highly Pathogenic Avian Influenza (not just H5N1), *but only the isolates of these agents. The select agent rule does not apply to bird products. Select agents can go only to BSL3 or BSL4 facilities.*

The import permit will list the designated ports; at the present time the designated ports are: Anchorage, Chicago, Detroit, Honolulu, Indianapolis, Los Angeles, Memphis, Miami, Minneapolis/St. Paul, Newark (New Jersey), New York, San Juan, Seattle, and St. Louis.

#### 6. Import in personal luggage

Unless the imported material comprises or contains a select agent, it may be carried in personal luggage. Unfortunately, at the present time, you may encounter confusion about this issue at the ports. Technically, unless a permit includes a prohibition against transportation in personal luggage, the material may be carried in personal luggage. However, Department of Homeland Security port personnel may be uncertain about this rule and may attempt to confiscate material that is carried in personal luggage. The Ornithological Council has made a formal request of VS-NCIE that it include a statement on all permits stating that the material may be carried in personal luggage – unless, of course, the imported material comprises or contains a select agent. The Ornithological Council has also asked that VS-NCIE communicate with the Department of Homeland Security so as to assure that written guidance and/or re-training be provided to port personnel. *In the meantime, we strongly recommend that you request that your permit carry the language, “This material may be transported in personal luggage.”*

*Helpful hints: Try to come into the country M-F, during regular business hours. Check with the port in advance to determine exactly when the Homeland Security inspectors will be present. If it is impossible to schedule the shipment to arrive during these hours, arrange in advance to have someone present when your shipment arrives. You will have to pay additional fees for off-hour service.*

*Let the inspectors know in advance what is being imported and be sure you have all the paperwork ready. In fact, you can and should send them a copy of the permit and/or*

*certificate or origin in advance so they can alert you to any problems and you will have a chance to address them before the shipment arrives.*

*Homeland Security inspectors should know to call a USFWS agent to the Customs area for inspection of your USFWS permits (if needed), 3-177 forms, and shipment.*

*When you book your flights, be sure to allow plenty of time between your flight into the United States and your connecting flight to your destination, particularly if you are coming in on a weekend or holiday (which you should avoid anyway), busy travel seasons, or busy times of day.*

#### 7. Import by DHL or FedEx

Materials of avian origin can be sent into the United States by DHL, UPS, or FedEx. They will automatically be directed to the DHL, UPS, or FedEx international shipping center where a USDA inspector is present. Obviously, you will need to be sure that the required paperwork accompanies the package.

From everything we have learned from our extensive discussions with VS, NCIE staff, Customs and Border Protection staff, and the USFWS staff, it appears that DHL, FedEx or UPS may be the best option as the shipments automatically go to the shipping companies' international facilities where USDA and USFWS staff are available to inspect and clear the shipments. See details regarding USFWS policies pertaining to international shipment via FedEx, UPS, and DHL, below, page 52.

## **F. Interstate transport of restricted materials**

Once avian materials of foreign origin are admitted into the United States, there are restrictions on transport within the country.

The easiest way to understand the interstate transport rules is to regard state boundaries as the equivalent of national boundaries. In essence, the institution that originally imported the material is now functioning as an exporter to a “foreign state.”

- If, in its import application, the importing institution requested authority to distribute, and if authority has been granted, then the importing institution may distribute the materials to other institutions. The recipient institution need not have a transport permit. For that reason, as noted above, we recommend that importers request authority to distribute materials when they apply for import permits.
- The import permit will specify the conditions under which the distributions may be made (e.g., whether the material must be treated prior to distribution and limits on who may receive the material).
- If the import permit does not include authority to distribute, then the importer may not distribute unless the recipient obtains a transport permit.

A transport permit is not needed to return the material to the importing institution.

## **G. Contacting VS, NCIE**

The Veterinary Services staff can be reached by calling (301) 734-3277. However, it can be difficult to get through by phone. This is an extremely understaffed office and staff are answering calls virtually all day. They most likely will not be able to take your call immediately and it may take several days to return your call. The VS, NCIE staff has graciously agreed to a suggestion by the Ornithological Council that you contact them by e-mail. Be advised that each staffer usually sets aside a certain time during the day to answer e-mail. If you use e-mail, please consider sending a copy to the Ornithological Council. This system will allow us to track the kinds of questions and problems ornithologists are encountering and will make it possible for VS, NCIE and the Ornithological Council to work together to resolve those problems, perhaps by amending this fact sheet or in some other manner.

If you choose to use this option, please copy the e-mail to all four of the VS, NCIE staff who issue permits and establish procedures for bird products. In this way, we hope to avoid inconsistency and misunderstanding.

If you have an emergency of some sort, and have trouble reaching a VS, NCIE staffer, consider calling the Ornithological Council and we will try to reach the staffer for you.

To reach VS, NCIE staff by e-mail:

Pamela Simpson: [Pamela.A.Simpson@aphis.usda.gov](mailto:Pamela.A.Simpson@aphis.usda.gov)

Reed Rollo: [Reed.T.Rollo@aphis.usda.gov](mailto:Reed.T.Rollo@aphis.usda.gov)

Tracye Butler: [Tracye.R.Butler@aphis.usda.gov](mailto:Tracye.R.Butler@aphis.usda.gov)

Terry Morris: [Terry.A.Morris@aphis.usda.gov](mailto:Terry.A.Morris@aphis.usda.gov)

Phone number: (301) 734-3277

Fax number: (301) 734-8226

To copy to the Ornithological Council: [ellen.paul@verizon.net](mailto:ellen.paul@verizon.net)

This method of contact is purely optional. You are always free to e-mail VS, NCIE staff without copying the Ornithological Council, or to reach VS, NCIE staff by phone.



## II. U.S. Fish and Wildlife Service requirements

The U.S. Fish and Wildlife Service is responsible for implementing several laws intended to protect wild bird populations. These laws include the Migratory Bird Treaty Act, Endangered Species Act, and the Convention on International Trade in Endangered Species (CITES). There are also procedures and paperwork required for all animals and plants, whether or not protected by one of these laws.

### A. Permits and paperwork

#### 1. Summary chart, fees

Summary chart: USFWS permits needed for import of bird products (whole specimens, skins, tissue including blood, DNA extractions)

*Instructions: Starting with the left-most column, find the status in each column that pertains to each species you wish to import. When you find the row in which all four columns match the status of the species, check the permits and forms needed and read the appropriate sections, below. The specific forms depend on the combination of permits needed – the USFWS has established procedures to avert the need for multiple application forms for one activity. The text below will explain exactly which permit application forms to use.*

<b>CITES</b>	<b>ESA</b>	<b>MBTA</b>	<b>Permits needed</b>	<b>Always needed</b>
Appendix I	Not listed	Not listed	COSE <sup>1</sup> or CITES Import (USFWS), CITES Export (Country of origin)	USFWS 3-177
Appendix I	Not listed	Listed	COSE <sup>1</sup> or CITES Import (USFWS), CITES Export (Country of origin) and MBTA <sup>2</sup>	USFWS 3-177
Appendix I	Listed	Not listed	COSE <sup>1</sup> or CITES Import (USFWS) and CITES Export (Country of origin) and ESA <sup>2</sup> or Export-Reimport	USFWS 3-177
Appendix I	Listed	Listed	COSE <sup>1</sup> or CITES Import (USFWS), CITES Export (Country of origin) and ESA import or Export-Reimport, and MBTA, <sup>2</sup>	USFWS 3-177
Appendix II	Not listed	Not listed	COSE <sup>1</sup> or CITES Export (Country of origin)	USFWS 3-177

<b>CITES</b>	<b>ESA</b>	<b>MBTA</b>	<b>Permits needed</b>	<b>Always needed</b>
Appendix II	Not listed	Listed	COSE <sup>1</sup> <i>or</i> CITES Export (Country of origin), <i>and</i> MBTA <sup>2</sup>	USFWS 3-177
Appendix II	Listed	Not listed	COSE <sup>1</sup> <i>or</i> Export (Country of origin), <i>and</i> ESA <sup>2</sup>	USFWS 3-177
Appendix II	Listed	Listed	COSE <sup>1</sup> <i>or</i> Export (Country of origin), <i>and</i> MBTA <sup>2</sup>	USFWS 3-177
Appendix III	Not listed	Not listed	COSE <sup>1</sup> <i>or</i> CITES Export (if material is coming from the listing country; otherwise, Certificate of Origin)	USFWS 3-177
Appendix III	Not listed	Listed	COSE <sup>1</sup> <i>or</i> CITES Export (if material is coming from the listing country; otherwise, certificate of origin) <i>and</i> MBTA Import <sup>2</sup>	USFWS 3-177
Appendix III	Listed	Not listed	COSE <sup>1</sup> <i>or</i> CITES Export (if material is coming from the listing country; otherwise, certificate of origin) <i>and</i> ESA Import <i>or</i> Export-Reimport <sup>2</sup>	USFWS 3-177
Appendix III	Listed	Listed	COSE <sup>1</sup> <i>or</i> CITES Export (if material is coming from the listing country; otherwise, certificate of origin) <i>and</i> ESA Import <i>or</i> Export-Reimport <i>and</i> MBTA Import <sup>2</sup>	USFWS 3-177
Not listed	Listed	Not listed	ESA Import <i>or</i> Export-Reimport	USFWS 3-177
Not listed	Not listed	Listed	MBTA Import	USFWS 3-177
Not listed	Not listed	Not listed	Proof that materials were legally obtained <sup>3</sup>	USFWS 3-177

<sup>1</sup>COSE is “Certificate of Scientific Exchange” and can be used only for transfers of accessioned material between CITES-registered institutions. See text below for detail. CITES-registered institutions can be found on the CITES website at <http://www.cites.org/common/reg/si/e-si-beg.shtml>

<sup>2</sup> If a species is CITES-listed and is also ESA listed and/or MBTA listed, the Division of Management Authority will issue one permit under all applicable authorities. You need file only ONE permit application. See below for details as to which permit application is appropriate.

<sup>3</sup> See text below, pertaining to Lacey Act, for description of documents that are acceptable as proof that materials were legally obtained.

*Note:* Bald Eagles, Golden Eagles: Import permit is required. The permit application is a CITES application, but it is mailed to the Division of Migratory Birds. See details below. Currently, Bald Eagles are still listed as Threatened but only this one permit is needed.

*Helpful hints:*

- *Always allow at least 120 days for new permit applications to be processed; 90 days for renewal applications to be processed! CITES certificates and permits expire on the stated date, whereas you can continue to use ESA and MBTA permits provided that your application for renewal was submitted at least 30 days prior to expiration of the existing permit.*
- *Before filling in permit application forms, read the details, below. The USFWS has internal procedures that obviate the need to complete and submit multiple applications for the same activity. In most cases, you will need only one application form. Note that it is often easier and faster for the USFWS offices to process and issue separate permits! It may mean more paperwork for you, and more record-keeping, but the trade-off may be the more complex and lengthy permit issuance process.*

## Fees

On 11 April 2005, the USFWS issued a final rule increasing fees for nearly all permits issued by the agency. Application forms should have some noticeable correction, such as a brightly-colored sticker, listing the new application fee. If you send the wrong fee, the processing of your application may be delayed. Individuals or institutions "acting on behalf of" any Federal, tribal, State, or local government agency are exempt from application fees.

*Fees for permits discussed in this fact sheet are as follows:*

Permit type	Form number	New	Amendment
Migratory Bird	3-200-6 <a href="http://forms.fws.gov/3-200-6.pdf">http://forms.fws.gov/3-200-6.pdf</a>	\$75	No fee
ESA and CITES Museum exchange (Certificate of Scientific Exchange)	3-200-39 <a href="http://forms.fws.gov/3-200-39.pdf">http://forms.fws.gov/3-200-39.pdf</a>	\$100 <sup>1</sup>	\$50 <sup>1</sup>
ESA only - export and re-import of museum specimens (i.e., a loan)	3-200-40 <a href="http://forms.fws.gov/3-200-40.pdf">http://forms.fws.gov/3-200-40.pdf</a>	\$100	\$50
CITES permits/ESA	3-200-37 <a href="http://forms.fws.gov/3-200-37.pdf">http://forms.fws.gov/3-200-37.pdf</a>	\$100	\$50
CITES Master file (facility is exporting or reimporting a given product on a regular basis - usually used for commercial transactions)	If applicable, request "programmatic file"	\$200 (\$100 for renewal)	n/a
Single-use permit issued on Master file	n/a	\$5	n/a
Designated port exception	3-200-2 <a href="http://forms.fws.gov/3-200-2.pdf">http://forms.fws.gov/3-200-2.pdf</a>	\$100	\$50
Injurious wildlife	30-200-42 <a href="http://forms.fws.gov/3-200-42.pdf">http://forms.fws.gov/3-200-42.pdf</a>	\$100	\$50

<sup>1</sup> 50 CFR 13.11: "A fee shall not be charged to any Federal, State or local government agency, nor to any individual or institution under contract to such agency for the proposed activities. The fee may be waived or reduced for public institutions (see 50 CFR 10.12). Proof of such status must accompany the application." 50 CFR 10.12: "*Public* as used in referring to museums, zoological parks, and scientific or educational institutions, refers to such as are open to the general public and are either established, maintained, and operated as a governmental service or are privately endowed and organized but not operated for profit."

## 2. CITES Certificates and Permits [50 CFR Part 23]

Check the CITES appendices by common name, scientific name, and country to determine if the species is listed. Also check higher taxon levels, as entire groups of some species are listed by genus, family, or order (e.g., Psittaciformes, Strigiformes, Bucerotiformes). Be aware that countries can list species as Appendix III (the country already regulates trade in that species and is requesting the cooperation of other countries to prevent illegal trade or unsustainable levels of take) unilaterally, and some countries list a very large number of species, even species that are common in the country. Do not assume that a common species will not be listed.

The CITES appendices can be found at: <http://www.cites.org> and can be searched through <http://www.cites.org/eng/resources/species.html>.

### *(a) Certificates for pre-convention specimens*

If the species is listed, but the specimen was acquired prior to the date CITES applied to that species, then a permit is not needed [50 CFR 23.13(c)] but a certificate is required. However, we are advised by the USFWS that it is easier to use the COSE than to obtain a pre-convention certificate. If you cannot use the COSE (e.g., because the exchange is not between registered institutions), it is at least as easy to obtain a permit as it is to obtain a pre-convention certificate.

If you cannot obtain a certificate you will need the following documentation described below:

### *(b) Certificate of Scientific Exchange (COSE)*

If the specimen is not pre-Convention, but is a loan, donation, or exchange between CITES-registered institutions then the Certificate of Scientific Exchange (COSE) can be used. Both the sending and receiving institutions must be CITES-registered. CITES-registered institutions can be found on the CITES website at <http://www.cites.org/common/reg/si/e-si-beg.shtml>. This is the most common means of transferring materials among museums.

*Note: to become a CITES-registered institution, apply for a Certification of Scientific Exchange using Form 3-200-30 < <http://forms.fws.gov/3-200-39.pdf>>. If the USFWS Office of Management Authority (OMA) determines that your institution is eligible to become a CITES-registered institution, OMA will forward the information to the CITES Secretariat for inclusion on the registration list. There is no fee for state or municipal facilities; all others pay \$100.*

Once issued, the COSE will allow you to receive and send CITES materials that have been accessioned by your museum to any other CITES-registered institution, without an individual permit. The COSE is valid for four years.

If a specimen is also ESA-listed, the COSE is not acceptable. You will need a CITES permit and an ESA permit, as described below. The same is true for specimens requiring MBTA permits.

Procedure for imports under COSE: Packages must be labeled with the names and addresses of the consignor and consignee. The letters "CITES" (acronym for the Convention), a description such as "bird specimens," and the code letters assigned by the Service to the scientist or scientific institution, must be entered on the Customs declaration form affixed to each package or container.

Specimens that have not been accessioned by a CITES-registered institution require permits, as described in the following section.

*NOTE:* At the present time, it is an open question whether the COSE can be used for subsamples of accessioned specimens (e.g., tissue or skin subsamples or individual feathers taken from a voucher specimen). Both the Convention itself (and the Resolutions addressing scientific exchange) and the USFWS regulations are silent on this issue.

It has been the interpretation of the USFWS that there is no distinction between a sample and a subsample. Therefore, the subsample would have to be either accessioned or returned (in entirety) if the COSE is used. Subsamples are typically transferred among institutions for testing, and commonly, the testing destroys all or part of the sample. However, museum standards call for accessioning only when material is to be maintained as part of a permanent collection. It is also the practice of institutions that any unused portion of the subsample be returned to the lending institution. Therefore, the extra time, effort, and paperwork associated with accessioning is not warranted.

In 2005, the Ornithological Council entered into a dialogue with the USFWS Division of Management Authority to try to resolve this issue. As a result of a meeting in April 2005, the Ornithological Council wrote to Office of Management Authority officials:

"I would like to confirm our understanding that DMA will instead consider whether it can, through modification of DMA USFWS policy or procedure, address the question of the use of the Certificate of Scientific Exchange for subsamples. If I understood you correctly, this may be accomplished through the regulatory process, in that the proposed revision of Part 23 (CITES regulations) will be revised, updated, and published again for public comment. However, given that regulatory revision can be a lengthy process, we would like to request the issuance of an interim policy – perhaps through the use of the Memorandum Series process - that allows the use of a Certificate of Scientific Exchange for the transfer of subsamples, where the intended use of the subsample will result in destruction of the sample. Under these circumstances, the transferred material is not accessioned. Even where some material remains after testing, it is standard

museum policy that it be returned to the originating institution, and under these circumstances, the transfer is similar to a loan. Again, the receiving institution would not accession the material under those circumstances. In effect, this interim policy would allow an existing practice to continue, given that there is no written, standard policy prohibiting the use of the COSE for such transfers. Museums have had no reason to know, and only learned because one researcher made an inquiry of DMA, that DMA limits use of the COSE to loans or to donations where the material is accessioned by the recipient. The new reporting requirement will then allow DMA to evaluate whether this practice upholds the intent of CITES. If it proves to be adequate in enforcing CITES, then it will help both DMA and researchers to avoid the time-consuming burden of applying for and issuing individual permits for each transfer.”

At the permits workshop held at the August 2005 AOU meeting, Division of Management Authority staffer Michael Carpenter reported that the revision to the Part 23 (CITES) regulations – which is in progress – will address this issue. Under discussion is a regulation that would provide that as long as part of the original samples remains where accessioned, the COSE can be used. The term “subsample” will not be used, because it is not recognized by the CITES parties, but the purpose and intent of this regulatory change, if promulgated, would be to allow the use of the COSE for transfers of a piece of a specimen or a sample, even if that material is to be destroyed in testing, provided that the original specimen or sample remains accessioned in at least one of the two institutions.

*File your annual reports!* Your COSE requires you to file annual reports listing all shipments sent or received under the COSE. This requirement appears in Part D of page 2 of the Form 3-200-39. The Form language says, “The report is a summary of all imports and exports conducted under the COSE for the past year; containing items that appear on the COSE container label such as date sent, description of specimen, acquisition no.[sic; this is more commonly known as an accession number], scientific name and common name, receiving institution, country, and COSE no. This may be submitted electronically (on disk), which is the preferable method of submission.” Note that the form originally requested date and place collected for each item. The Ornithological Council confirmed with the Division of Management Authority and the Office of Management and Budget (the White House office that must approve government forms) that this information is not required and need not be provided.

There is no specific form or format for the annual report, and the Division of Management Authority is willing to accommodate any reporting method that provides the required information. Among the options you may want to consider to minimize your own record-keeping efforts are:

- in your collections database, you are recording transfers with the notation COSE in a field, you could sort on that field and then select and print those transactions, and mail that.

- create a standard COSE label, print two copies - one for the box and the other to go into a large envelope. At the end of the year, seal and address the envelope with all the duplicate COSE forms. If you use this method, set up a form that would have any sensitive information (such as species identification, accession numbers) "below the fold" so it wouldn't be visible as the package moves through the mail or through a delivery service).
- make copies of your 3-177s and identify the transactions that were done with a COSE. The only hitch here is that you would have to remember to add your accession number - assuming there is room to do so on the 3-177.
- you must report incoming and outgoing transactions
- report at the end of the calendar year
- reports may be submitted by e-mail

Renewals: remember that CITES permits and certificates expire on the date stated on the document. They are not automatically extended by the filing of a renewal application. Be sure to file your request for a renewal at least 90 days prior to the expiration date.



*(c) Permits*

When the specimen is not pre-Convention and the Certificate of Scientific Exchange is not applicable (because one or both of the institutions is not CITES-registered, or because the specimen was not accessioned by the CITES-registered institution that is sending the material or because the specimen is ESA or MBTA listed), then permits are needed as follows:

CITES Appendix I species:

- export permit from the Management Authority of the country of origin
- import permit from the Management Authority of the country to which the birds will be imported

An export permit may be issued only if the specimen was legally obtained; the trade will not be detrimental to the survival of the species; and an import permit has already been issued. You must obtain the import permit FIRST!

The import application can be found here: <http://forms.fws.gov/3-200-37.pdf>

If the species is Appendix I and you also need ESA and/or MBTA permits, you need submit only this one form. The Division of Management Authority, if it determines that it is biologically appropriate to issue a permit, will issue one permit that covers all applicable authorities.

*Helpful hint: At this time, you cannot complete these forms online. You can enter data using the text tool, but it cannot be saved. However, you can save these blank forms to your computer and fill them out IF you have Adobe Acrobat 6.0 or a later version. After you have completed entering the data, change the name and save the form. If you fill them out using Adobe Reader, you will not be able to save the data. If you do not have Adobe Acrobat 6.0 or later, you will have to save the form to your computer, print it, and fill it out by hand.*

CITES Appendix II species:

- export permit from the Management Authority of the country of origin
- The United States does not require a CITES import permit for Appendix II species but you may need an ESA and/or MBTA permit.

If so, the appropriate forms are:

ESA scientific research: <http://forms.fws.gov/3-200-37.pdf>

Migratory bird import/export: <http://forms.fws.gov/3-200-6.pdf>

If both CITES and ESA are needed, you may submit one application to the Division of Management Authority using the ESA form. The Division of Management Authority will automatically determine if permits are needed under the other authorities, and if they are required, and if the Division of Management Authority determines that issuance is appropriate, the permit will include all applicable authorities. If the only permit needed is MBTA, use form 3-200-6 and submit it to the Division of Migratory Bird Management.

CITES Appendix III species:

- In the case of trade from a country that included the species in Appendix III, an export permit issued by the Management Authority of that country is required. This may be issued only if the specimen was legally obtained and, in the case of a live animal or plant, if it will be prepared and shipped to minimize any risk of injury, damage to health or cruel treatment.
- In the case of export from any other country, a certificate of origin issued by its Management Authority is required. The certificate states that the specimen was not collected in a country that has listed that species on Appendix III.
- The United States does not require a CITES import permit for Appendix III species but you may need a permit under ESA and MBTA.

If so, the appropriate forms are:

ESA scientific research: <http://forms.fws.gov/3-200-37.pdf>

Migratory bird import/export: <http://forms.fws.gov/3-200-6.pdf>

If ESA is also needed, you may submit one application to the Division of Management Authority using the ESA form. The Division of Management Authority will automatically determine if permits are needed under the other authorities, and if they are required, and if the Division of Management Authority determines that issuance is appropriate, the permit will include all applicable authorities. If the only permit needed is MBTA, use form 3-200-6 and submit it to the Division of Migratory Bird Management.

*Helpful hint: Be sure to determine if the country of origin has valid authority to issue such permits. It can happen that a country's permitting authority has been suspended or cancelled. You can check the status of a country's authority to issue permits by checking the notifications page*

*< <http://www.cites.org/eng/notifs/index.shtml> > - simply search on the name of the country. You can also contact the CITES secretariat. The staff list can be found at < <http://www.cites.org/eng/notifs/index.shtml> >.*

National contacts (Offices of Management Authority) are listed here:

[http://www.cites.org/common/directy/e\\_directy.html](http://www.cites.org/common/directy/e_directy.html)

*What if a species is CITES I or CITES II, but the country of origin is not a party to CITES?*

Only 31 countries are still not party to the convention. If the non-party country has designated a competent authority to the CITES Secretariat (see CITES web site) then that authority may be able to prepare an “in-lieu-of document” that takes the place of the export permit. The authority would have to certify in the “in-lieu-of-document” that the export meets the criteria applicable to the Appendix on which the species is listed (Appendix I and II: not detrimental to the survival of the species and legally acquired; Appendix II: legally acquired) . An Appendix I specimen would be more problematic because the USFWS, Office of Management Authority, would first need to issue an import permit. That issuance would depend on OMA’s evaluation of the non-party and a non-detriment finding here.

Non-party, no designated authority (no import permits will be issued by the USFWS)

Andorra  
Anguilla  
Bosnia and Herzegovina  
Cape Verde  
East Timor  
Holy See  
Iraq  
Maldives  
Nauru  
Paracel Islands  
San Marino

Non-party countries with an authority designated to prepare an in lieu of document (an non-CITES CITES permit)

Angola  
Bahrain  
Cook Islands  
Haiti  
Kiribati  
Korea, Democratic People's Republic of  
Lebanon  
Marshall Islands  
Micronesia, Federated States of  
Niue  
Oman  
Solomon Islands

Tonga  
Turkmenistan  
Turks and Caicos Islands  
Tuvalu

Former USSR states; the Russian Management Authority issues their  
CITES documents  
Armenia  
Kyrgyzstan  
Tajikistan

### 3. Endangered Species Act permits

If the species is listed on the U.S. list of endangered and threatened species and is also listed on CITES appendix I, you will need both an ESA and a CITES import permit.

The list is found at <http://endangered.fws.gov/wildlife.html#Species>. It is updated weekly. Permits are not required for candidate species.

Fortunately, the application form for an ESA import permit is the same as the CITES import form: <http://forms.fws.gov/3-200-37.pdf>. You need only complete the one form.

- At the top of the first page, circle (a) import; and (b) both CITES and ESA
- If you will be moving the birds from the port of entry to another location within the United States, you should circle both foreign and interstate.

Remember that you will also need an export permit from the country of origin if the species is CITES Appendix I or II. If the species is CITES Appendix III, you will need an export permit only if the country of origin is a country that listed the species on Appendix III. If the species is CITES Appendix III but is not coming from a listing country, you need only a CITES certificate of origin

If the species is listed on the U.S. list of endangered and threatened species, and is not listed on CITES appendix I, you will not need a CITES import permit. At the top of the form, circle only ESA. If you will be transporting the birds from the port of entry to another location within the United States, be sure to circle both foreign and interstate.

Permits are not needed for pre-Act specimens. All that is needed is an affidavit that the specimen was acquired prior to 28 December 1973 and that it is not imported for commerce.

Renewals: remember that CITES permits and certificates expire on the date stated on the document. They are not automatically extended by the filing of a renewal application. Be sure to file your request for a renewal at least 90 days prior to the expiration date.

*NOTE: when you are re-importing a museum specimen (meaning accessioned material) that you previously exported and expected to have returned to you (in whole or in part), i.e., a loan, file a form 3-200-40 prior to export; the return import permit will be issued simultaneously. This application is also filed with the USFWS Division of Management Authority at 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203.*

#### 4. Migratory Bird Treaty Act permits

If a species is protected under the Migratory Bird Treaty Act, you will need an MBTA import permit. The list of protected species can be found here:  
<http://migratorybirds.fws.gov/intrnltr/mbta/mbtintro.html>

This is not an official list and may not be up-to-date. To be sure of the status of a species, you will need to check the Code of Federal Regulations and the Federal Register (from the date of publication of the most recent Code of Federal Regulation to the date of your application). As this can be a tedious chore for those not conversant with the search functions for these online publications, we suggest you contact the USFWS, Division of Migratory Bird Management (see contact section, Appendix 1) or the Ornithological Council for assistance.

Forms:

If the species is also listed on CITES Appendix I, you will also need a CITES import permit. As noted above, if the species is CITES Appendix I, use form <http://forms.fws.gov/3-200-37.pdf>. The Division of Management Authority will automatically determine if an ESA or MBTA permit is also needed and, if it determines that it is biologically appropriate to issue a permit, will issue one permit to include CITES and MBTA (as well as ESA, if applicable).

If the species is MBTA ONLY, the appropriate application form can be found here:  
<http://forms.fws.gov/3-200-6.pdf>

*Note: You may request a single Migratory Bird import/export permit for multiple imports over the duration of the permit (up to three years from date of issuance).*

*ABOUT "BLANKET" PERMITS: As noted above, you can obtain permits for CITES, ESA, and MBTA, to cover all imports over the course of the one-year duration of the permit. Request a "programmatically" permit. Note that all applications for Endangered Species permits must be published in the Federal Register. This requirement results in further delay in issuing the permit. Therefore, if you plan to apply for a blanket permit, be aware that you should plan to apply for renewal shortly after the permit is issued. If your institution wants to apply for a blanket permit, use Form 3-200-37 <<http://www.fws.gov/forms/3-200-37.pdf>>.*

#### 5a. Lacey Act (import requirements)

The Lacey Act makes it illegal for a person to import, export, transport, sell, receive, acquire or purchase in interstate or foreign commerce: fish or wildlife taken, possessed, transported or sold in violation of a state law, state regulation or foreign law; plants taken, possessed, transported or sold in violation of a state law or regulation. Even if NO import permits are required (e.g., the import does not include species protected by CITES, the Endangered Species Act, or the Migratory Bird Treaty Act), you may be required to show proof that the material was acquired legally in the country of origin. Proof could consist of: an export permit, a collecting permit, a letter or other documentation from the institution from which the material was acquired. The USFWS will also accept a letter or other documentation from the wildlife officials in the country of origin or re-export.

*Note: some countries require export permits for all wildlife. Be sure to determine the export restrictions in the countries where you plan to collect and make arrangements to obtain those permits before you leave the United States.*

#### 5b. Lacey Act (injurious wildlife)

The Lacey Act regulations (50 CFR 16.3) prohibit the import of “live wildlife or eggs thereof, . .

*Therefore, this section of the Lacey Act will pertain to your import only if it includes **viable eggs**.*

#### 6. Bald Eagles, Golden Eagles

Import permits are required under 50 CFR 22; the form is online at <http://forms.fws.gov/3-200-69.pdf>

This application includes the CITES application; a separate ESA permit is **not** required.

Submit the application to:  
U.S. Fish and Wildlife Service  
4401 N. Fairfax Drive, Room 700  
Arlington, VA 22203

#### 7. Wild Bird Conservation Act

The Wild Bird Conservation Act applied only to LIVE birds. Occasionally, a port inspector will tell you that you are missing a WBCA permit. Should this occur, do not panic. Politely remind them that the WBCA applies only to LIVE birds. The system is no less complex for them than it is for you....with so much to remember, it is inevitable that mistakes like this occur.

## 8. Additional USFWS forms and procedures

All wildlife imports must be reported on Form 3-177. [50 CFR 14.61] This is not a permit, but a report form that has to be submitted to the USFWS Law Enforcement Office at the port of entry. At some ports, Customs officers may be willing to accept this form if the USFWS inspector is not present, but this is not always the case. However, declarations for museum specimens (as defined below) can be filed up to 180 days after the import UNLESS the import is subject to any of the following permit requirements [50 CFR 14.62 (d)]:

- 50 CFR Part 16, Injurious wildlife (Lacey Act)
- 50 CFR Part 17, Endangered and threatened wildlife and plants
- 50 CFR Part 18, Marine mammals
- 50 CFR Part 21, Migratory birds
- 50 CFR Part 22, Eagles
- 50 CFR Part 23, Endangered Species Convention (CITES)

Definition of museum specimens for purposes of this exemption: dead, preserved, dried or embedded scientific specimens or parts imported by accredited scientists or accredited institutions for taxonomic or systematic research. An accredited scientist means any individual associated with, employed by, or under contract to and accredited by an accredited scientific institution for the purpose of conducting biological or medical research, and whose research activities are approved and sponsored by the scientific institution granting accreditation. Accredited scientific institutions means any public museum, public zoological park, accredited institution of higher education, accredited member of the American Zoo and Aquarium Association, accredited member of the American Association of Systematic Collections, or any State or Federal government agency that conducts biological or medical research.

For all practical purposes, you will almost always need a Form 3-177 for bird specimens and tissues, and it is undoubtedly easier to get through the port with the form than without it, even if it is not technically required to be presented at the port.

The Form 3-177 can be found online at <http://www.le.fws.gov/faqs.htm>

You can also file electronically through e-Decs, but this is probably more trouble than it is worth for single or occasional shipments. Here is the e-Decs site:

<https://edecs.fws.gov/WhatIsDecs.cfm>

For scientific specimens imported for scientific institutions for taxonomic, systematic research, or faunal survey purposes, you may describe the imported materials in general terms (e.g., “hummingbirds.”). This may be necessary in cases where individual specimens have not been fully identified. However, you must file an amended Form 3-177 within 180 days after filing of the general declaration with the Service. The declaration must identify specimens to the most accurate taxonomic classification

reasonably practicable using the best available taxonomic information. The Director may grant extensions of the 180-day period.

[50 CFR 14.62 (c)]

Instructions for completing the 3-177 can be found at <http://www.fws.gov/le/pdf/3-177ins.pdf>; specific issues that have come to the attention of the Ornithological Council, which then asked the USFWS for clarification are:

#### *Quantity of wildlife*

Box 19a asks for the quantity of wildlife, asking for both numbers and units of measurement. The instructions treat all scientific specimens – including skins, tissue, blood, and histological preparations – as one type of item (Code SPE in box 18). There is no standardized method of reporting at this time. It is unclear whether you should report the number of vials or the mass of the sample contained in each vial, or whether you should report the total mass of all samples of a given species. It is also unclear whether you should report tissue and blood samples separately from an accompanying voucher specimen. If your permit references specific quantities or units, use those quantities or units on the 3-177 to avoid discrepancies between the permit and the declaration form. The Ornithological Council has asked the USFWS Division of Law Enforcement to issue guidance on acceptable means of reporting quantities.

#### *Value of specimens*

Box 19b of the Form 3-177 asks for the monetary value of the imported wildlife. Do not write “n/a” or leave these boxes blank. The boxes must contain a number but the number can be -0- (zero). In other words, you cannot write n/a. You must enter a number. However, note that the value has to match the value declared on the U.S. Customs form. Handling fees - charged by some museums - are not considered value of the specimen or tissue. Do not include service fees or handling fees in the value of the specimen or tissue. Note, however, that commercial shippers and customs agents may require you to provide a value above zero; in that case, value the import at a nominal amount (such as \$1.00).



## B. Import methods

### 1. In person

If you are importing wildlife that requires a permits under

- Part 16 – Injurious Wildlife
- Part 17 – Endangered or threatened wildlife and plants
- Part 18- Marine Mammals
- Part 21 – Migratory Birds
- Part 23 – CITES

Then you must:

- come in through a designated wildlife port -OR-
- obtain a permit for an exemption to the designated wildlife port requirement

*Designated wildlife ports are:*

- (a) Los Angeles, California [Phone (310) 328-6307; Fax (310) 328-6399]
- (b) San Francisco, California [Phone (650) 876-9078; Fax (650) 876-9701]
- (c) Miami, Florida [Phone (305) 526-2610; Fax (305) 526-7480]
- (d) Honolulu, Hawaii [Phone (808) 861-8525; Fax (808) 861-8515]
- (e) Chicago, Illinois [Phone (847) 298-3250; Fax (847) 298-7669]
- (f) New Orleans, Louisiana [Phone (504) 219-8870; Fax (504) 219- 8868]
- (g) New York, New York [Phone (516) 825-3950; Fax (516) 825-3597]
- (h) Seattle, Washington [Phone (206) 764-3463; Fax (206) 764- 3485]
- (i) Dallas/Fort Worth, Texas [Phone (972) 574-3254; Fax (972) 574-4669]
- (j) Portland, Oregon [Phone (503) 231-6135; Fax (503) 231-6133]
- (k) Baltimore, Maryland [Phone (404) 763 -7959; Fax (404) 763-7560]
- (l) Boston, Massachusetts [Phone (617) 889-6616; Fax (617)889-1980]
- (m) Atlanta, Georgia [Phone (404) 763-7959; Fax (404) 763-7560]
- (n) Anchorage, Alaska [Phone (907) 271-6198; Fax (907) 271-6199]
- (o) Louisville, Kentucky [Phone (502) 582-5989; Fax (502) 582-5981]
- (p) Memphis, Tennessee [Phone (901) 544-3694; Fax (901) 544-3696]
- (q) Houston, Texas [Phone (281) 446-1284; Fax (281) 540-0357]
- (r) Newark, New Jersey [Phone (973) 645 6171; Fax (973) 645 6533]

You can enter through nondesignated ports, but your shipment will be transported as an in-transit shipment under Customs bond to a designated port, or to any port where a permit provides for lawful importation. Should you choose this option, you will need to make arrangements with a customs broker at the port of entry for bonded shipment to a designated wildlife port or the port named on your permit.

Should you happen to arrive at a nondesignated port as a result of emergency diversion, due to an aircraft or vessel emergency, your import must proceed as an in-transit

shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful importation. The USFWS or Customs staff should direct you to a customs broker at the airport.

*Requesting an exemption to the designated port rule*

If it is impractical or burdensome to enter through a designated port, you may request an exemption, as follows:

- the requested port of entry must be a Customs port (must have Customs inspectors)
- you may request an exemption for a single importation, a series of importations, or for a specified period of time (to a maximum of two years)
- apply to the U.S. Fish and Wildlife Service, using Form 300-2-2, which can be found online at <http://forms.fws.gov/3-200-2.pdf>
- the form lists the addresses for filing the application
- the exemption will not be granted automatically; the USFWS makes its decision based on four factors:
  - (i) will the permit benefit a bona fide scientific research project, other scientific purpose, or facilitation of the exchange of preserved museum specimens;
  - (ii) The kind of wildlife involved and its place of origin;
  - (iii) The reasons why the exception is requested; and
  - (iv) Availability of a Service officer.

If you are importing wildlife that does not require a permit under

- Part 16 – Injurious Wildlife
- Part 17 – Endangered or threatened wildlife and plants
- Part 18- Marine Mammals
- Part 21 – Migratory Birds
- Part 23 – CITES

You can enter through any Customs port -OR- ship through the international mail system; see section 4, below, for details on use of the international mail.

*However, see Section 2, below, for further detail about mailing specimens.*

Additionally, if no permit is needed for import to these locations, if these locations are the final destination:

- In Alaska, wildlife can be imported through Alcan, Anchorage, Fairbanks, or Juneau.
- In Puerto Rico, wildlife can be imported through San Juan
- In the Virgin Islands, wildlife can be imported through San Juan, Puerto Rico
- On Guam, wildlife can be imported through Agana, Guam

*Helpful hints: Try to come into the country Monday through Friday, during regular business hours. Avoid legal holidays. Check with the port in advance to determine exactly when the USFWS inspectors will be present. Avoid flights that are scheduled to arrive late in the day; if it is late and the USFWS inspectors have left for the day, you may end up waiting overnight at the airport. A Customs and Border Protection inspector may be willing to clear you, allowing you to send your paperwork to the USFWS inspector at a later date, but you can't count on this.*

*If it is impossible to schedule your arrival during these hours, arrange in advance to have someone present when your shipment arrives. You will have to pay additional fees for off-hour service.*

*When you book your flights, be sure to allow plenty of time between your flight into the United States and your connecting flight to your destination, particularly if you are coming in on a weekend or holiday (which you should avoid anyway), busy travel seasons, or busy times of day.*

*Although it is not required, except for perishable shipments, you may find it useful to let the USFWS port inspector know in advance what is being imported and be sure you have all the paperwork ready. In fact, you can and should send them a copy of the permit and the 3-177 in advance so they can alert you to any problems and you will have a chance to address them before the shipment arrives.*

*The USFWS should know to send the USFWS agent to the Customs area, where the Homeland Security staff will be holding the materials for inspection. If the USFWS hasn't sent someone over to Customs, ask the Homeland Security staffer to call and ask to have someone sent over.*

*Critical information: USFWS regulations (50 CFR 14.104) require that all documents be written in English.*

*Helpful hint: Always put the original documents inside a waterproof pouch and place the pouch in a safe place. Keep a copy of all documents inside another waterproof pouch that is placed in a different piece of luggage. Never attach original documents to any shipping container. If possible, send a copy of all USFWS, USDA, and other documents to someone – a colleague and/or the USFWS Law Enforcement Office - in the U.S. by fax, FedEx, or DHL before returning to the U.S.*

***IF YOU ARE CARRYING ANY PERISHABLE ITEMS, YOU MUST NOTIFY THE USFWS PORT INSPECTORS OF YOUR ANTICIPATED ARRIVAL AT LEAST 48 HOURS IN ADVANCE OF THE SCHEDULED ARRIVAL TIME, OR AS REQUIRED BY YOUR PORT EXEMPTION PERMIT. AN E-DEC WILL NOT SUFFICE FOR THE 48-HOUR NOTICE WITHOUT PRIOR APPROVAL FROM THE PORT.***

## 2. Shipping specimens via FedEx, UPS, or DHL

Current regulations do not address use of private shipping services such as FedEx, UPS, or DHL for specimens that require permits (and for specimens that do not require these permits) under

- Part 16 – Injurious Wildlife
- Part 17 – Endangered or threatened wildlife and plants
- Part 18- Marine Mammals
- Part 21 – Migratory Birds
- Part 23 – CITES

but the USFWS has decided to allow shipment of museum specimens (dead, preserved, dried, or embedded scientific specimens or parts thereof, imported or exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes) via private shipping services, as follows:

- List the contents on the label or instruct the shipper to do so. Use a generic description such as “museum specimens.”
- Indicate on the outside of the package that USFWS clearance is needed.
- Include copies of the permit or certificate of origin inside the box
- Include the original 3-177 inside the package; you can use e-decs but be sure you list the correct port (as below) because e-decs are port specific; you cannot use e-decs if you plan to use the international mail. Even if you used e-decs, be sure to print a copy and include it in the package in case the computers are down when your shipment arrives.
- Packages sent through FedEx automatically go through Memphis, which has been designated as a wildlife port. FedEx will handle the clearance. Packages sent through DHL arrive in Cincinnati and are sent to Chicago for clearance. Packages sent through UPS arrive in Newark, where clearance is handled by UPS staff.
- Understand that shipping through private shipper means that your shipment will be opened and inspected outside your presence. Clearance is required by federal law, and this cannot be avoided or prevented. This is true for all cargo shipments and is also true for personal baggage, which can be examined prior to pick-up by the passenger.

*Helpful hint: if you have requested a specimen from an institution outside the United States, send the shipper a FedEx, UPS, or DHL package with a completed shipping label and mark the box and the label “USFWS Clearance Required.”*

*If you plan to collect outside the United States, and would rather return the specimens back to yourself via private shipping service rather than carrying them in personal baggage, carry packaging and labels with you, or mail them ahead.*

**NOTE: IF YOU RECEIVE A PACKAGE FROM AN INSTITUTION OUTSIDE THE UNITED STATES AND THERE IS NO INDICATION THAT THE SHIPMENT HAS BEEN CLEARED BY**

*THE USFWS – SUCH AS A STAMP OR TAPE MARKED WITH USFWS INSIGNIA, DO NOT OPEN THE PACKAGE. CONTACT THE NEAREST WILDLIFE PORT FOR INSTRUCTIONS REGARDING CLEARANCE. FAILURE TO DO SO COULD RESULT IN PROSECUTION BY THE USFWS AND/OR CONFISCATION OF THE SHIPMENT. IT COULD JEOPARDIZE YOUR ABILITY TO OBTAIN PERMITS OR RENEW YOUR COSE. FURTHERMORE, YOU WILL NOT BE ABLE TO EXPORT A CITES SPECIMEN IF YOU DON'T HAVE PROOF THAT IT WAS LEGALLY IMPORTED. THE USFWS PORT INSPECTOR MAY ALLOW YOU TO SEND A 3-177 AND CLEAR THE SHIPMENT “ON THE PAPERWORK” BUT YOU MAY NOT OPEN THE PACKAGE UNTIL IT HAS BEEN CLEARED BY THE USFWS PORT INSPECTOR.*

### 3. Import through the international mail

Current regulations do not allow the use of the international mail for specimens that require permits under

- Part 16 – Injurious Wildlife
- Part 17 – Endangered or threatened wildlife and plants
- Part 18- Marine Mammals
- Part 21 – Migratory Birds
- Part 23 – CITES

If a permit is NOT required, then the international mail may be used, as follows:

This exception applies only to dead, preserved, dried, or embedded scientific specimens or parts thereof, imported or exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes. The USFWS is aware that this definition is more restrictive than the definition of museum specimens for CITES and ESA purposes, and also recognizes that there are other valuable forms of research; for these reasons, the USFWS plans to change this definition. When that occurs, the Ornithological Council will notify the ornithological community and will update this Guide. These need not be accessioned specimens. Further, the Ornithological Council has entered into discussions with the USFWS regarding this restrictive definition of research and has requested that the USFWS consider revising the regulation to include a broader definition of the term “research.”

- List the contents on the label or instruct the shipper to do so. Use a generic description such as “museum specimens.”
- Indicate on the outside of the package that USFWS clearance is needed.
- Include copies of the permit or certificate of origin inside the box
- Include the original 3-177 inside the package. You cannot use e-decs if you plan to use the international mail.
- Most international mail facilities are located in cities that are designated ports.
- Understand that shipping through the international mail means that your shipment will be opened and inspected outside your presence. Clearance is required by federal law, and this cannot be avoided or prevented. This is true for all cargo shipments and is also true for personal baggage, which can be examined prior to pick-up by the passenger.

*Helpful hint: if you have requested a specimen from an institution outside the United States, send the shipper a package with a completed mailing label and mark the box and the label “USFWS Clearance Required.”*

*If you plan to collect outside the United States, and would rather mail the specimens back rather than carrying them in personal baggage, carry packaging and labels with you, or mail them ahead.*

*NOTE: IF YOU RECEIVE A PACKAGE FROM AN INSTITUTION OUTSIDE THE UNITED STATES AND THERE IS NO INDICATION THAT THE SHIPMENT HAS BEEN CLEARED BY THE USFWS – SUCH AS A STAMP OR TAPE MARKED WITH USFWS INSIGNIA, DO NOT OPEN THE PACKAGE. CONTACT THE NEAREST WILDLIFE PORT FOR INSTRUCTIONS REGARDING CLEARANCE. FAILURE TO DO SO COULD RESULT IN PROSECUTION BY THE USFWS AND/OR CONFISCATION OF THE SHIPMENT. IT COULD JEOPARDIZE YOUR ABILITY TO OBTAIN PERMITS OR RENEW YOUR COSE. FURTHERMORE, YOU WILL NOT BE ABLE TO EXPORT A CITES SPECIMEN IF YOU DON'T HAVE PROOF THAT IT WAS LEGALLY IMPORTED. THE USFWS PORT INSPECTOR MAY ALLOW YOU TO SEND A 3-177 AND CLEAR THE SHIPMENT “ON THE PAPERWORK” BUT YOU MAY NOT OPEN THE PACKAGE UNTIL IT HAS BEEN CLEARED BY THE USFWS PORT INSPECTOR.*

*Helpful hint: Most international mail facilities are in cities that are designated ports, but it is probably best to use FedEx, DHL, or UPS to avoid having a shipment sent through the international mail moving from one city to another. This is particularly true if the shipment is perishable. Loss or delay is also less likely with private shipping services, and tracking is far easier. If at all possible, use private shipping services rather than the international mail.*

#### 4. Inspection and clearance

Inspection means the actual, physical inspection of the shipment and accompanying paperwork and it is authorized by 50 CFR 14.61. The USFWS inspectors are authorized to inspect any shipment but they are not required to do so. Many ornithologists report that their shipments are not inspected. However, the paperwork is generally inspected at the port to be sure that you have a permit, or, if no permit is required, that you have proof that the materials were legally acquired in the country of origin and left to country legally. Clearance is mandatory, except in the case of dead, dried, or embedded scientific specimens or parts thereof, imported or exported by accredited scientists or accredited scientific institutions for taxonomic or systematic research purposes, unless the shipments require permits under Part 17 (Endangered and threatened wildlife and plants) or Part 23 (CITES).

*Note: the exemption from port clearance procedures is not limited to **accessioned** specimens. If you are bringing in specimens from the field, or other specimens that have not been accessioned, they are still exempt from the clearance requirement unless they are CITES specimens (whether coming in with a COSE or a CITES permit) or ESA specimens coming in with a permit.*

*Also note that the Ornithological Council has asked the USFWS why this exemption is limited to specimens that will be used for taxonomic or systematic research. We pointed out that specimens are imported for other research purposes, and that other research is as worthwhile as taxonomic and systematics research. We have requested that USFWS consider revising this definition, to encompass all forms of scientific research.*

If you are coming through a nondesignated port (with a permit to do so) and no USFWS inspector is available, or if you are coming through a designated port, but the USFWS inspector is not available, a Customs and Border Protection inspector may clear your shipment, subject to post-clearance inspection and investigation by the Service. This procedure is known as “clearance on the paperwork.” You may be asked to send copies of the permits and the 3-177 forms to the inspector who can then clear the shipment, even though you have already left the port of entry.

#### 5. Fees

Inspection fees are used to pay for inspection facilities, the inspectors’ salaries and benefits, the data input, maintenance, and storage of import/export information. Fees collected for shipments at other than a designated port reflect the need to pay for this non-normal request for inspection, including travel and salary costs, if necessary, and the establishment of inspection facilities and services for relatively few shipments.



The current fee schedule is as follows:

Designated ports: Nonlicensees (i.e., permit holders or those who don't require permits):	
Inspection during normal work hours	No charge.
Inspections beginning outside normal work hours	2 hour minimum at \$30/hr.
Staffed nondesignated ports:	
Subpart C permit holders (designated port exemption permits):	
Inspections during normal work hours	\$55 Administrative fee plus 2 hour minimum at \$20/hr.
Inspections beginning outside normal work hours (including Saturdays and Sundays).	\$55 Administrative fee plus 2 hour minimum at \$30/hr.
Inspections on federal holidays	\$55 Administrative fee plus 2 hour minimum at \$40/hr.
Nonstaffed nondesignated ports:	\$55 Administrative fee plus all costs associated with inspection and clearance.
Staffed nondesignated ports: No subpart C permit required (Border/Special Ports):	
Import/export license holders	\$55 Administrative fee.
All others	No charge.

Summary of import procedures

Permit type	3-177 requirement 50 CFR 14.61; 50 CFR 14.62	Inspection requirement (physical inspection of shipment and/or paperwork) 50 CFR 14.51	Clearance 50 CFR 14.52	FedEx, UPS, DHL	International Mail	Which port?
Part 16 (Lacey Act Injurious Wildlife provisions)	At time of importation 14.62 (d); can file general descriptions and amend later if individual specimens have not been identified at the time of import (within 180 days) 14.62 (c)	At discretion of inspector [Subject to applicable limitations of law, Service officers and Customs officers <i>may</i> detain for inspection and inspect any package, crate, or other container, including its contents, and all accompanying documents, upon importation or exportation]	Not required*	The USFWS allows museums to send and receive museum specimens by private shipper such as FedEx, UPS, and DHL see section 2, above for details	NO	Designated wildlife ports 50 CFR 14.11, 14.12  -or- nondesignated by permit 50 CFR 14.31  -or- Without a designated port exemption permit to: Alcan, Anchorage, Fairbanks, Juneau, San Juan (for Puerto Rico and the U.S. Virgin Islands, and Aguana (Guam) IF Alaska, Puerto Rico or the U.S. Virgin Island, or Guam, respectively, is the final destination
Part 17 (Endangered and Threatened Species)			Required, but ports may, in their discretion, allow museums to send paperwork post-import			
Part 21 (Migratory Birds)			Not required*			
Part 23 (CITES, including COSE)			Required, but ports may, in their discretion, allow museums to send paperwork post-import			

All else	No later than 180 days after import with the appropriate Assistant Regional Director--Law Enforcement in the Region where the importation occurs. 14.62 (d)		Not required*	Yes, as above	The USFWS allows museums to send and receive specimens by international mail <i>for specimens that do not require permits under Parts 16, 17, 18, 21, and 23; see section 2, above</i>	Any U.S. customs port
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\* You are still required to have and may be asked to show documentary proof that the material was acquired legally in the country of origin. Proof could consist of: an export permit, a collecting permit, a letter or other documentation from the institution from which the material was acquired. The USFWS will also accept a letter or other documentation from the wildlife officials in the country of origin or re-export.

*Also note: Customs and Border Protection regulations (in 19 CFR 12.26-29) also pertain to wildlife imports but are redundant to the USFWS regulations or pertain only to live birds. Also note that the Harmonized Tariff Schedule of the United States does not apply to importation of feathers and skins for scientific purposes, and that while items exceeding one hundred years in age are considered “antiques” for customs purposes, if not imported for commercial purposes or for sale, no duty is due.*

### C. Interstate transport

No further USFWS permits are needed to carry imported materials to your final destination. However, you should carry copies of the import permits and USDA permits with you. This is particularly important if some of the species you have imported are also found in the United States.

## D. Permit amendments, appeals

### 1. Amendments

Should you find yourself in need of a permit amendment, submit a full written justification and supporting information to the office that issued the original permit. The USFWS permit offices can issue amendments by fax where justified under the circumstances.

*Helpful hint: Be sure to carry the names, e-mail addresses, phone numbers, and fax numbers of the relevant USFWS permit offices and Law Enforcement offices with you when you leave for the field.*

### 2. Appeals

Permit denial is rare but it does happen; partial denials are slightly more common. There may be conditions imposed that the permittee considers unduly burdensome. On rare occasions, a permit is suspended or revoked. To appeal any adverse decision, you must take the following actions:

#### Step 1: Request for reconsideration

a) Once you have received a written notice of denial, partial denial, suspension, revocation, you must, within 45 calendar days of the date of the written notification, submit a written request for reconsideration. Note that it must be RECEIVED by the office that issued the notice within 45 calendar days. State the decision for which reconsideration is requested and state the reasons for the request. Give any new information that is relevant to the request.

CRITICAL ELEMENT: The regulation requires that your request for consideration include the following certification:

*I hereby certify that I have read and am familiar with the regulations contained in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, Code of Federal Regulations, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001.*

b) The USFWS is required to notify you in writing of the decision on the request for reconsideration within 45 days of the receipt of your request. The notice must state the reasons for the decision and must contain a description of the evidence relied upon by the deciding officer.

## Step 2: Appeal

If the decision is still adverse, you may submit a written appeal to the Regional Director for the region in which the issuing office is located (for Migratory Bird permits)\*, or to the Director for offices which report directly to the Director.

a) The appeal must be submitted (RECEIVED BY) the appropriate office within 45 days of the date of the notification of the decision on the request for reconsideration. Again, state the reasons for the appeal and submit any new information.

Although the regulations do not require it, you should include this certification:

*I hereby certify that I have read and am familiar with the regulations contained in title 50, part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of chapter I of title 50, Code of Federal Regulations, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to suspension or revocation of this permit and to the criminal penalties of 18 U.S.C. 1001*

b) You are entitled to present oral arguments to the Regional Director or the Director if either of those officials deem it necessary to clarify issues raised in the written record.

c) The Service is required to notify you of its decision, in writing, within 45 calendar days of the receipt of your notice of appeal. The decision of the Regional Director or the Director constitutes the final decision.

Many decisions are based on scientific disputes. The regulations seemingly allow the USFWS to seek external review: "The Service may institute a separate inquiry into the matter under consideration." To date, the Service has denied requests for external, scientific peer review of permit disputes that turn on scientific issues. The Ornithological Council continues to encourage the Department of the Interior to consider convening external scientific peer review panels to consider the scientific aspects of permit issues.

***Please notify the Ornithological Council if your permit application has been denied in whole or in part or if your permit has been suspended or revoked. Although we do not provide legal advice or represent individual ornithologists involved in permit disputes, we can provide guidance. It is also important for ornithologists to alert the Ornithological Council when permit problems occur, so we can identify problems that need to be addressed.***

\* In 2005, the USFWS considered consolidating its Migratory Bird regional permit offices into a single office. This measure was considered in part because it was thought that it might reduce costs and in part because it was thought that it would reduce or eliminate variation in the implantation of permit regulations. Although the agency ultimately decided against this consolidation, it recognized that there was still a need to take measures to prevent interregional variation in the implementation of permit regulations. To this end, the Director of the U.S. Fish and Wildlife Service requested that the Migratory Bird Washington office amend the regulations governing the appeal process for denied permits to transfer the final appeal decision to his office. The Washington Office expects to develop and publish a proposal later this year. In the interim, the Washington Office will be asking to be kept apprised of appeals received in the Regions. Appeals from denials of CITES permits and ESA import permits, which are issued from one central office (USFWS Office of Management Authority) are already handled by the Washington office.

## Appendix A. Timeline and checklist

*Helpful hint: It is advisable to appoint one person to coordinate USFWS and USDA permits, particularly if the institution has numerous researchers, postdocs, graduate students, and visiting scientists who will be importing scientific specimens. A permits coordinator can help to assure that permit applications and renewal applications are filed in a timely manner, that museum personnel and others who plan to import do not attempt to do so without the proper paperwork, and can serve as a contact with the permitting agencies.*

### WHEN

### WHAT

*Before you leave for your collecting trip*

Six to nine months prior to departure

- Determine if USFWS import permits are needed
- Apply for import permits if needed
- Determine if export permits or certificates of origin are needed from the country of origin and if so, apply for permits or certificates
- Ascertain if country of origin has authority to issue CITES permits and certificates
- If no permits needed, arrange for proof that specimens were legally acquired in country of origin
- Apply for USDA import permit (VS16-3); if you already have a permit, check the expiration date; if it will expire before you return, be sure to apply for a renewal at least six weeks prior to the expiration date

Three months to one month prior to departure

- Make flight arrangements; be sure to choose the appropriate port and schedule your arrival for business hours, Monday-Friday (not on a legal holiday!) and allow plenty of time between flights
- Although it is not required, considering visiting with USFWS, USDA inspectors at port where you will return to U.S. to be sure that they don't have any questions or concerns about your paperwork or the imports themselves. Doing so may help you to identify potential misunderstandings. For instance, some Customs and Border Patrol agents believe that you cannot carry



scientific specimens in personal baggage. Knowing this in advance will allow you to be sure that the matter is clarified before you leave.

- Ascertain disease status of country or countries from which you will import
- Make arrangements to treat materials in country of origin, if necessary

Take with you

- Original and three copies of your USDA and USFWS permits
- A Form 3-177, continuation pages, and instructions

*Before you leave the country of origin to return to the United States*

Upon arrival

- If you haven't made arrangements to obtain your export permits or proof that the material was legally obtained before you left the United States, take care of that now!
- If you haven't made arrangements to treat materials to inactivate virus (if required to do so) make those arrangements now!
- If you haven't made arrangements to obtain proof of origin, make those arrangements now!

A week or two prior to departure

- If required to treat materials, do so now
- Complete the 3-177, make three copies and to each copy, attach a copy of the USFWS permits or proof that materials were legally acquired in the country or origin

Three days prior to departure

- If you are importing perishable items, notify, or make arrangements for someone in the U.S. to notify, the USFWS and Homeland Security APHIS inspectors of your date and time of arrival *at least 48 hours prior to the estimated arrival time.*

## **Appendix B. USDA regulations pertaining to Exotic Newcastle Disease and to Highly Pathogenic Avian Influenza**

Title 9 of the Code of Federal Regulations

*Note: the full regulation is lengthy and pertains to all bird imports (including pet birds, performing birds, and birds imported for food and poultry production and pertains primarily to Exotic Newcastle Disease. Only the new sections, pertaining to the H5N1 variant of Highly Pathogenic Avian Influenza is reproduced here.*

Sec. 94.6 Carcasses, parts or products of carcasses, and eggs (other than hatching eggs) of poultry, game birds, or other birds; importations from regions where exotic Newcastle disease or highly pathogenic avian influenza subtype H5N1 is considered to exist.

(d) Highly pathogenic avian influenza (HPAI) subtype H5N1 is considered to exist in the following regions: Cambodia, China, Indonesia, Japan, Laos, South Korea, Thailand, and Vietnam.

(e) Carcasses, and parts or products of carcasses, from regions where HPAI subtype H5N1 is considered to exist. Carcasses, and parts or products of carcasses, of poultry, game birds, or other birds may be imported from a region where HPAI subtype H5N1 exists only if they are imported for scientific, educational, or research purposes and the Administrator has determined that the importation can be made under conditions that will prevent the introduction of HPAI subtype H5N1 into the United States. The articles must be accompanied by a permit obtained from APHIS prior to the importation in accordance with paragraph (f) of this section, and they must be moved and handled as specified on the permit to prevent the introduction of HPAI subtype H5N1 into the United States.

(f) To apply for a permit, contact the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

*Additional restrictions, 2005 (regulations are codified only once every year, so regulatory changes made in 2005 will not appear in the Code of Federal Regulations until the 2006 edition is issued, usually in October of the previous year. Meanwhile, the notices published in the Federal Register are the official record).*

Federal Register: February 1, 2005 (Volume 70, Number 20)  
Rules and Regulations  
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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

## Add Malaysia to List of Regions in Which Highly Pathogenic Avian Influenza Subtype H5N1 Is Considered To Exist

AGENCY: Animal and Plant Health Inspection Service, USDA.

SUMMARY: We are amending the regulations concerning the importation of animals and animal products by adding Malaysia to the list of regions in which highly pathogenic avian influenza (HPAI) subtype H5N1 is considered to exist. We are taking this action because there has been an outbreak of HPAI subtype H5N1 in Malaysia. This action is necessary to prevent the introduction of HPAI subtype H5N1 into the United States.

DATES: This interim rule was effective August 7, 2004.

### SUPPLEMENTARY INFORMATION:

#### Background

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA or the Department) regulates the importation of animals and animal products into the United States to guard against the introduction of animal diseases. The regulations in 9 CFR parts 93, 94, and 95 (referred to below as the regulations) govern the importation of certain animals, birds, poultry, meat, other animal products and byproducts, hay, and straw into the United States in order to prevent the introduction of various animal diseases, including avian influenza (AI).

There are many strains of AI virus that can cause varying degrees of clinical illness in poultry such as chickens, turkeys, pheasants, quail, ducks, geese, and guinea fowl, as well as a wide variety of other birds. AI viruses can be classified into low pathogenic (LPAI) and highly pathogenic (HPAI) forms based on the severity of the illness they cause. Most AI virus strains are LPAI and typically cause little or no clinical signs in infected birds. However, some LPAI virus strains are capable of mutating under field conditions into HPAI viruses.

HPAI is an extremely infectious and fatal form of the disease for chickens. HPAI can strike poultry quickly without any infection warning signs and, once established, the disease can spread rapidly from flock to flock. HPAI viruses can also be spread by manure, equipment, vehicles, egg flats, crates, and people whose clothing or shoes have come in contact with the virus. HPAI viruses can remain viable at moderate temperatures for long periods in the environment and can survive indefinitely in frozen material. One gram of contaminated manure can contain enough virus to infect 1 million birds.

In some instances, strains of HPAI viruses can be infectious to people. Human infections with AI viruses under natural conditions have been documented in recent years. Since December 2003, a growing number of Southeast Asian countries have reported outbreaks of HPAI responsible for the deaths of millions of birds and at least 22 humans.

The rapid spread of HPAI, with outbreaks occurring at the same time in a number of regions, is historically unprecedented and of growing concern for human and animal health. According to the World Health Organization, particularly alarming is the HPAI strain of most of these outbreaks, H5N1, which has crossed the species barrier and caused severe disease, with high mortality, in humans. The current AI outbreaks have caused significant concern among health

authorities worldwide because of the potential for the human and avian flu viruses to swap genes, creating a new virus to which humans would have little or no immunity.

On May 10, 2004 (69 FR 25820-25826, Docket No. 04-011-1), we published an interim rule that amended the regulations to, among other things, establish additional restrictions on the importation of birds and poultry and unprocessed bird and poultry products from regions where HPAI subtype H5N1 is considered to exist. The interim rule also added to the regulations a list of regions (Cambodia, China, Indonesia, Japan, Laos, South Korea, Thailand, and Vietnam) in which HPAI subtype H5N1 is considered to exist.

On August 19, 2004, Malaysia alerted the World Organization for Animal Health and the United States that an outbreak of HPAI subtype H5N1 had occurred in that country. The outbreak occurred in the northeastern State of Kelantan, close to the border with Thailand, a country where the presence of the disease has already been confirmed. Currently, control measures for the disease in Malaysia include depopulation of all poultry and birds within a 1-kilometer radius of the infected flock, quarantine within 10 kilometers of the infected flock, movement restrictions, and clinical surveillance in the State of Kelantan.

Therefore, in order to prevent the introduction of HPAI subtype H5N1 into the United States, we are amending the regulations by adding Malaysia to the list in Sec. 94.6(d) of regions where HPAI subtype H5N1 exists. We are making this action effective retroactively to August 7, 2004, which is the date that Malaysian veterinary authorities estimate to be the date of primary infection. As a result of this action, the importation into the United States of birds, poultry, and unprocessed bird and poultry products from Malaysia is restricted and U.S. origin pet birds and performing or theatrical birds and poultry returning to the United States from Malaysia will be subject to additional permit and quarantine requirements.

### Emergency Action

This rulemaking is necessary on an emergency basis to prevent the introduction of HPAI subtype H5N1 into the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the Federal Register.

We will consider comments we receive during the comment period for this interim rule (see DATES above). After the comment period closes, we will publish another document in the Federal Register. The document will include a discussion of any comments we receive and any amendments we are making to the rule.

### List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

**PART 94--RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS**

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701-7772, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Sec. 94.6 [Amended]

2. In Sec. 94.6, paragraph (d) is amended by adding the word "Malaysia," after the word "Laos,".

*Subsequently, another notice was published to correct a technical error in the original rule:*

[Federal Register: June 23, 2005 (Volume 70, Number 120)]

[Rules and Regulations]

[Page 36332-36333]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 94

[Docket No. 04-011-2]

Highly Pathogenic Avian Influenza; Additional Restrictions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Technical amendment.

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**SUMMARY:** In an interim rule published in the Federal Register on May 10, 2004, we amended the regulations concerning the importation of animals and animal products to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence of the H5N1 subtype of highly pathogenic avian influenza and to establish additional permit and quarantine requirements for U.S. origin pet birds and performing or theatrical birds and poultry returning to the United States. In the preamble of the interim rule, we specified that the additional restrictions in part 94 would apply only to unprocessed bird and poultry products, but mistakenly omitted the word "unprocessed" in the rule portion; in this document, we are correcting this error.

**DATES:** This amendment is effective June 23, 2005.

FOR FURTHER INFORMATION CONTACT: For information concerning bird and poultry products, contact Dr. Tracey Butler, Senior Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 40, Riverdale, MD 20737-1231; (301) 734-3277. For information concerning live birds and poultry, contact Dr. Julie Garnier, Staff Veterinarian, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737-1231; (301) 734-8364.

SUPPLEMENTARY INFORMATION: In an interim rule published in the Federal Register on May 10, 2004 (69 FR 25820-25826, Docket No. 04-011-1), we amended the animal import regulations in 9 CFR parts 93, 94, and 95 to prohibit or restrict the importation of birds, poultry, and bird and poultry products from regions that have reported the presence of the H5N1 subtype of highly pathogenic avian influenza (HPAI) and to establish additional permit and quarantine requirements for U.S. origin pet birds and performing or theatrical birds and poultry returning to the United States.

In the May 2004 interim rule, we specified in the preamble that unprocessed bird and poultry carcasses, parts, and products from regions where HPAI subtype H5N1 exists would be eligible for importation only if accompanied by an import permit and only if they are research or educational materials destined for a museum, educational institution, or research institution. However, in the rule portion of the interim rule we mistakenly omitted the word "unprocessed," thereby holding both processed and unprocessed bird and poultry products to these restrictions. Therefore, in this document we are amending Sec. 94.6, paragraph (e), to correct this omission.

#### List of Subjects in 9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 94 as follows:

#### PART 94--RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), EXOTIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, CLASSICAL SWINE FEVER, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

1. The authority citation for part 94 continues to read as follows:

Authority: 7 U.S.C. 450, 7701-7772, and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

#### Sec. 94.6 [Amended]

2. In Sec. 94.6, the paragraph heading and first sentence of paragraph (e) are amended by removing the word "Carcasses" and by adding the words "Unprocessed carcasses" in their place.

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## Appendix D. Biosafety Level 2 Checklist

The complete Biosafety in Microbiological and Biomedical Laboratories (BMBL) 4th Edition, can be found at <http://www.cdc.gov/od/ohs/biosfty/bmbl4/bmbl4toc.htm> and should be read by all scientists who handle animal materials that have the potential to carry pathogens that can be hazardous to human health or wildlife. The checklist used by the USDA when certifying a laboratory follows the Manual, but is modified from time-to-time:

### Lab Biosafety Level 2 Checklist (date: April 03, 2003)

Date: \_\_\_\_\_  
Location of facility: \_\_\_\_\_  
    Building name(s): \_\_\_\_\_  
    Room number(s): \_\_\_\_\_  
Responsible Official: \_\_\_\_\_  
Project Title: \_\_\_\_\_  
Inspector: \_\_\_\_\_

**These questions are based on the Biosafety Level 2 section of *Biosafety in Microbiological and Biomedical Laboratories*, 4<sup>th</sup> ed., pages 19-26. Additions and modifications are consistent with prudent practices. They address work with animal pathogens and reflect requirements of the USDA, Animal and Plant Health Inspection Service (APHIS), National Center for Import and Export.**

**Circle the response that best describes the laboratory in which work with restricted animal pathogens will be carried out.**

**N.A. = not applicable -- must be supported by brief explanation.**

#### Standard Microbiological Practices

- Yes, No, N.A. 1. Access to the laboratory is limited or restricted at the discretion of the laboratory director when experiments are in progress.
- Yes, No, N.A. 2. Persons wash their hands after they handle materials, after removing gloves, and before leaving the laboratory.
- Yes, No, N.A. 3. Eating, drinking, smoking, handling contact lenses, and applying cosmetics are not permitted in the work areas. Food is stored outside the work area in cabinets or refrigerators designated for this purpose only.
- Yes, No, N.A. 4. Mouth pipetting is prohibited; mechanical pipetting devices are used.
- Yes, No, N.A. 5. Policies for the safe handling of sharps are instituted.

- Yes, No, N.A. 6. All procedures are performed carefully to minimize the creation of splashes or aerosols.
- Yes, No, N.A. 7. Work surfaces are decontaminated on completion of work or at the end of the day and after any spill or splash of viable material with disinfectants that are effective against the agent of concern.
- Yes, No, N.A. 8. All cultures, stocks, and other regulated wastes are decontaminated before disposal by an approved decontamination method such as autoclaving. Materials to be decontaminated outside of the immediate laboratory are placed in a durable, leakproof container and closed for transport from the laboratory. Materials to be decontaminated off-site from the facility are packaged in accordance with applicable local, state, and federal regulations, before removal from the facility.
- Yes, No, N.A. 9. An insect and rodent control program is in effect.

### Special Practices

- Yes, No, N.A. 1. Access to the laboratory is limited or restricted by the laboratory director when work with infectious agents is in progress. In general, persons who are at increased risk of acquiring infection, or for whom infection may have serious consequences, are not allowed in the laboratory or animal rooms. For example, persons who are immunocompromised or immunosuppressed may be at increased risk of acquiring infections. The laboratory director has the final responsibility for assessing each circumstance and determining who may enter or work in the laboratory or animal room.
- Yes, No, N.A. 2. The laboratory director establishes policies and procedures whereby only persons who have been advised of the potential hazards and meet specific entry requirements (e.g., immunization) may enter the laboratory.
- Yes, No, N.A. 3. A biohazard sign must be posted on the entrance to the laboratory when etiologic agents are in use. Appropriate information to be posted includes the agent(s) in use, the biosafety level, the required immunizations, the investigator's name and telephone number, any personal protective equipment that must be worn in the laboratory, and any procedures required for exiting the laboratory.
- Yes, No, N.A. 4. Laboratory personnel receive appropriate immunizations or tests for the agents handled or potentially present in the laboratory (e.g., hepatitis B vaccine or TB skin testing).

- Yes, No, N.A. 5. When appropriate, considering the agent(s) handled, baseline serum samples for laboratory and other at-risk personnel are collected and stored. Additional serum specimens may be collected periodically, depending on the agents handled or the function of the facility.
- Yes, No, N.A. 6. Biosafety procedures are incorporated into standard operating procedures or in a biosafety manual adopted or prepared specifically for the laboratory by the laboratory director. Personnel are advised of special hazards and are required to read and follow instructions on practices and procedures.
- Yes, No, N.A. 7. The laboratory director ensures that laboratory and support personnel receive appropriate training on the potential hazards associated with the work involved, the necessary precautions to prevent exposure, and the exposure evaluation procedures. Personnel receive annual updates or additional training as necessary for procedural or policy changes.
- Yes, No, N.A. 8. A high degree of precaution must always be taken with any contaminated sharp items, including needles and syringes, slides, pipettes, capillary tubes, and scalpels.
- Yes, No, N.A. a. Needles and syringes or other sharp instruments should be restricted in the laboratory for use only when there is no alternative, such as parenteral injection, phlebotomy, or aspiration of fluids from laboratory animals and diaphragm bottles. Plasticware should be substituted for glassware whenever possible.
- Yes, No, N.A. b. Only needlelocking syringes or disposable syringe needle units (i.e., needle is integral to the syringe) are used for injection or aspiration of infectious materials. Used disposable needles must not be bent, sheared, broken, recapped, removed from disposable syringes, or otherwise manipulated by hand before disposal; rather, they must be carefully placed in conveniently located puncture resistant containers used for sharps disposal. Non-disposable sharps must be placed in a hardwalled container for transport to a processing area for decontamination, preferably by autoclaving.
- Yes, No, N.A. c. Syringes which resheathe the needle, needleless systems, and other safety devices are used when appropriate.
- Yes, No, N.A. d. Broken glassware must not be handled directly by hand, but must be removed by mechanical means such as a brush and dustpan, tongs, or forceps. Containers of contaminated needles, sharp equipment, and broken glass are decontaminated before disposal, according to any local, state, or federal regulations.

- Yes, No, N.A. 9. Cultures, tissues, specimens of body fluids, or potentially infectious wastes are placed in a container with a cover that prevents leakage during collection, handling, processing, storage, transport, or shipping.
- Yes, No, N.A. 10. Laboratory equipment and work surfaces should be decontaminated with an effective disinfectant on a routine basis, after work with infectious material is finished, and especially after overt spills, splashes, or other contamination by infectious materials. Contaminated equipment must be decontaminated according to any local, state, or federal regulations before it is sent for repair or maintenance or packaged for transport in accordance with applicable local, state, or federal regulations, before removal from the facility.
- Yes, No, N.A. 11. Spills and accidents that result in overt exposures to infectious materials are immediately reported to the laboratory director. Medical evaluation, surveillance, and treatment are provided as appropriate and written records are maintained.
- Yes, No, N.A. 12. Animals not involved in the work being performed are not permitted in the lab.

#### Safety Equipment (Primary Barriers)

- Yes, No, N.A. 1. Properly maintained biological safety cabinets, preferably Class II, or other appropriate personal protective equipment or physical containment devices are used whenever:
- Yes, No, N.A. a. Procedures with a potential for creating infectious aerosols or splashes are conducted. These may include centrifuging, grinding, blending, vigorous shaking or mixing, sonic disruption, opening containers of infectious materials whose internal pressures may be different from ambient pressures, inoculating animals intranasally, and harvesting infected tissues from animals or embryonate eggs.
- Yes, No, N.A. b. High concentrations or large volumes of infectious agents are used. Such materials may be centrifuged in the open laboratory if sealed rotor heads or centrifuge safety cups are used, and if these rotors or safety cups are opened only in a biological safety cabinet.
- Yes, No, N.A. 2. Face protection (goggles, mask, face shield or other splatter guards) is used for anticipated splashes or sprays of infectious or other hazardous materials to the face when the microorganisms must be manipulated outside the BSC.

- Yes, No, N.A. 3. Protective laboratory coats, gowns, smocks, or uniforms designated for lab use are worn while in the laboratory. This protective clothing is removed and left in the laboratory before leaving for non laboratory areas (e.g., cafeteria, library, administrative offices). All protective clothing is either disposed of in the laboratory or laundered by the institution; it should never be taken home by personnel.
- Yes, No, N.A. 4. Gloves are worn when hands may contact potentially infectious materials, contaminated surfaces or equipment. Wearing two pairs of gloves may be appropriate. Gloves are disposed of when overtly contaminated, and removed when work with infectious materials is completed or when the integrity of the glove is compromised. Disposable gloves are not washed, reused, or used for touching “clean” surfaces (keyboards, telephones, etc.), and they should not be worn outside the lab. Alternatives to powdered latex gloves should be available. Hands are washed following removal of gloves.

#### Laboratory Facilities (Secondary Barriers)

- Yes, No, N.A. 1. Provide lockable doors for facilities that house restricted agents.
- Yes, No, N.A. 2. Consider locating new laboratories away from public areas.
- Yes, No, N.A. 3. Each laboratory contains a sink for handwashing.
- Yes, No, N.A. 4. The laboratory is designed so that it can be easily cleaned. Carpets and rugs in the laboratory are inappropriate.
- Yes, No, N.A. 5. Bench tops are impervious to water and resistant to moderate heat and the organic solvents, acids, alkalis, and those chemicals used to decontaminate the work surfaces and equipment.
- Yes, No, N.A. 6. Laboratory furniture is capable of supporting anticipated loading and uses. Spaces between benches, cabinets, and equipment are accessible for cleaning. Chairs and other furniture used in laboratory work should be covered with a non-fabric material that can be easily decontaminated.
- Yes, No, N.A. 7. Install biological safety cabinets in such a manner that fluctuations of the room supply and exhaust air do not cause the biological safety cabinets to operate outside their parameters for containment. Locate biological safety cabinets away from doors, from windows that can be opened, from heavily traveled laboratory areas, and from other potentially disruptive equipment so as to maintain the biological safety cabinets’ air flow parameters for containment.

Yes, No, N.A. 8. An eyewash station is readily available.

Yes, No, N.A. 9. Illumination is adequate for all activities, avoiding reflections and glare that could impede vision.

Yes, No, N.A. 10. There are no specific ventilation requirements. However, planning of new facilities should consider mechanical ventilation systems that provide an inward flow of air without recirculation to spaces outside of the laboratory. If the laboratory has windows that open to the exterior, they are fitted with fly screens.

**Inspector conclusion summary and action points:**

**Report Date:** \_\_\_\_\_

**Inspector Signature:** \_\_\_\_\_

**Inspector Contact Information:**

(Print name) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Institutional Representative**

(Name & contact info.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Responsible Facility Official**

(Name & contact info.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Additional persons present during audit:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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## **E. Keeping up-to-date with changes in import procedures**

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