



# Agricultural Marketing Service Marketing Order & Agreement Division

Section 8e Requirements  
for Imported Fruits & Vegetables

# Welcome

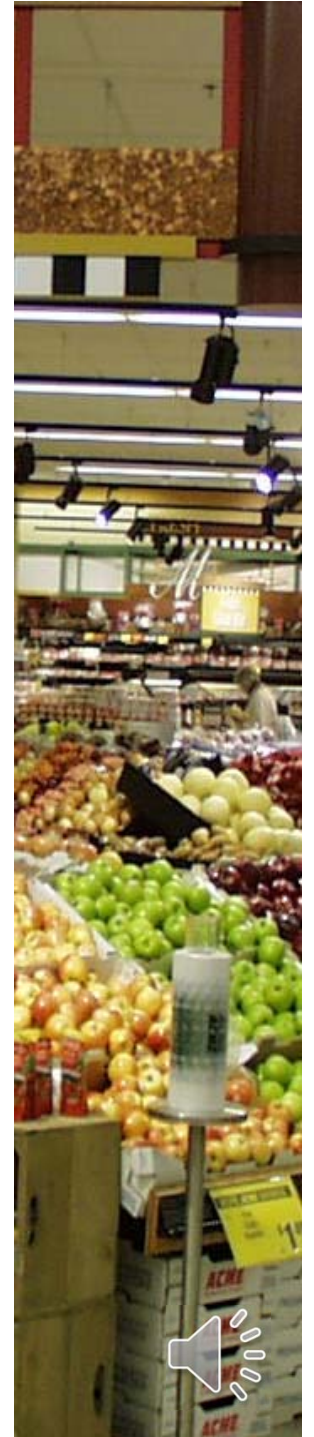


# Today's goals

- Who is AMS, MOAD Compliance?
- What is Section 8e of the Agricultural Marketing Agreement Act of 1937 (AMAA)?
- How do importers comply?



# Who are we?



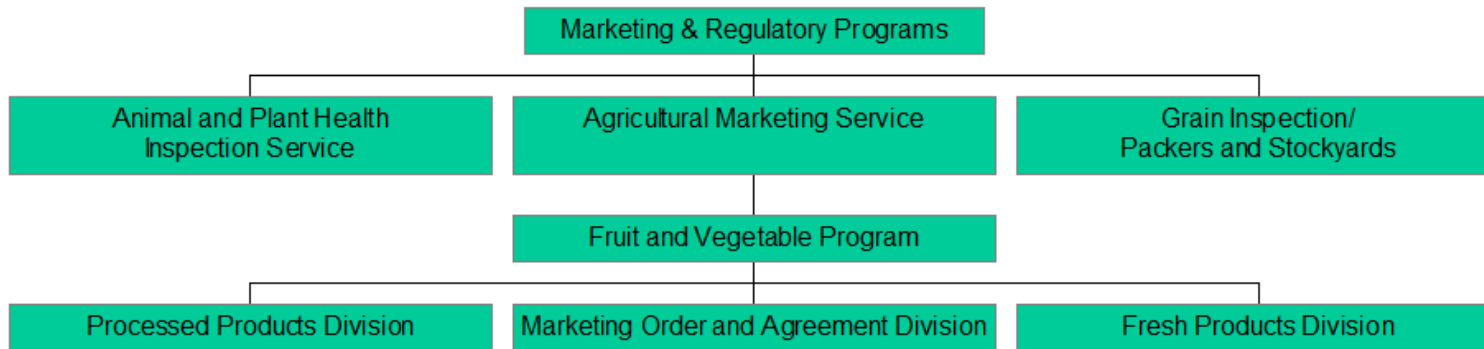


We are:

- **The Agricultural Marketing Service**  
(AMS) or (AgMS)
- **Fruit & Vegetable Programs**  
(F&V)
  - **Marketing Order & Agreement Division**  
(MOAD)

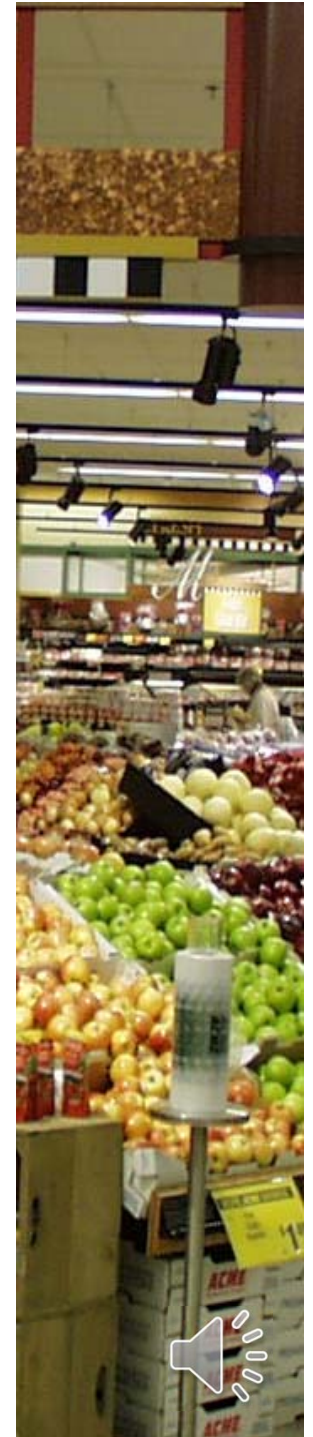


# Organizational Structure



# APHIS

- Often confused with Ag Marketing Service (AgMS)
- Handles the issuance of Phyto-sanitary Certificates
- Restrict the entry of certain plants & plant products subject to plant pests
- Different inspections



- **Marketing Order & Agreement Division (MOAD)**

- Administers marketing order programs as prescribed by the Agricultural Marketing Agreement Act of 1937 (AMAA).

- **MOAD**

- Relies on sister divisions, for inspection services for 8e imports.

- Fresh Products

- Processed Products

- **Specifically...**



# Processed Products

- Processed Products Branch (PPB) handles inspections for three MOAD commodities. They are raisins, olives and dates.
- PPB also has an agreement with the Food and Drug Administration for the inspection of all raisins and dates for packaging to perform a micro-analysis for health and safety.
- Inspection Services are covered across the country.



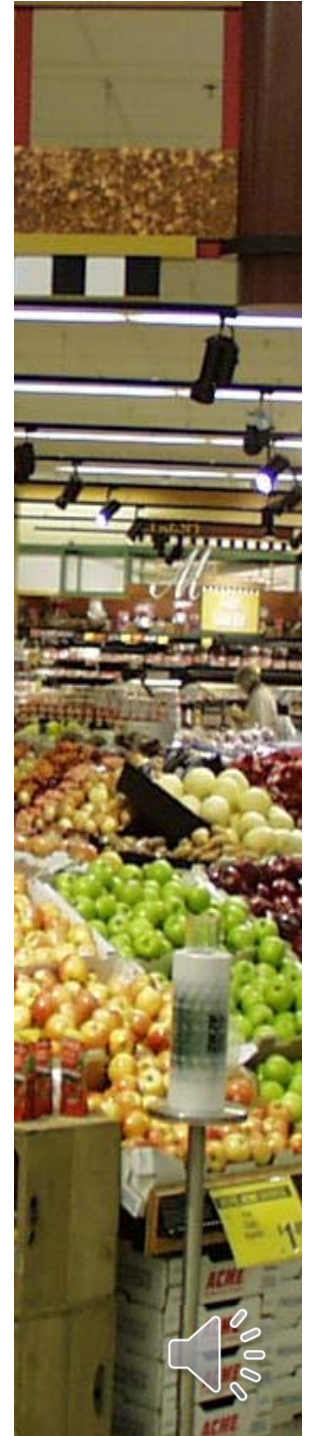


# Fresh Products

- Same as Federal-State Inspection Program
- Fresh Products Branch (FPB) handles inspections for avocados, grapefruit, hazelnuts, kiwifruit, onions, oranges, potatoes, grapes, tomatoes and walnuts
- Inspection Services are covered across the country.
- Perform the majority of 8e inspections



# What is Section 8e of the AMMA of 1937?



The Agricultural Marketing Agreement Act (AMAA) of 1937 was enacted by Congress to create orderly marketing conditions of fruits, vegetables, & specialty crops...

7 USC 608



# Marketing Orders

- Producer-driven programs with government oversight, compliance and enforcement
- Stabilize markets by balancing the availability of quality product with the need for adequate returns to producers
- Helps producers work together to solve marketing problems they cannot solve individually
- Are binding on handlers (shippers)
- Increase consumer demand and satisfaction
- Same quality requirements placed on importers



Currently there are 28 marketing orders covering fruits, vegetables, and specialty crops.

13 commodities are regulated by Section 8e of the AMAA 1937.



## Section 8e

- Requires that when the Secretary of Agriculture issues regulations under domestic marketing orders, the same or comparable quality regulations for imports must be issued.

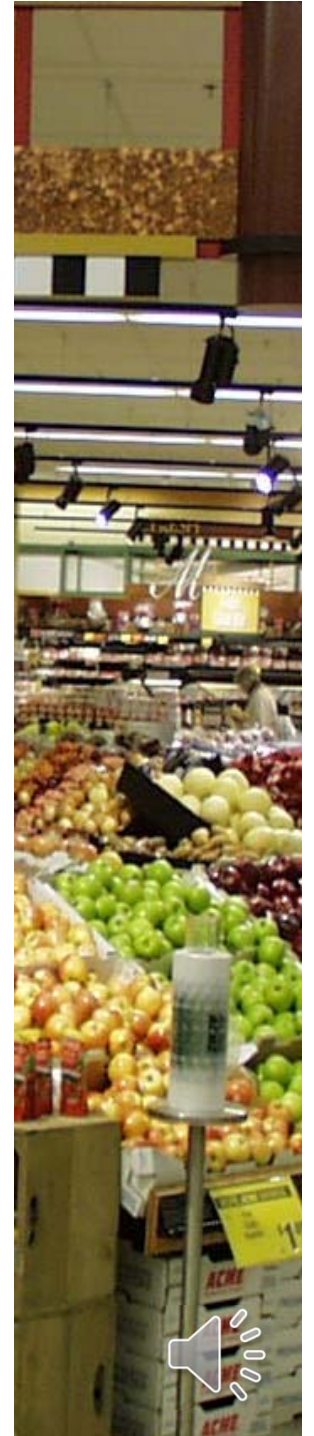


# Commodities:

- Avocados
- Grapefruit
- Kiwifruit
- Onions
- Oranges
- Potatoes
- Table Grapes
- Tomatoes
- Dates (other than for processing)
- Hazelnuts
- Olives (other than Spanish style green olives)
- Raisins
- Walnuts



# How do importers comply with 8e?







# Importer of record must...

- Have the shipment inspected for size, grade and quality requirements.

**Note: THIS IS NOT THE SAME AS AN APHIS INSPECTION!**

OR

- Stamp and Fax CBP Form 3461/7501 for conditional release from Customs, then have shipment inspected.

OR

- File an original FV-6 exemption form for commodities destined for processing, distribution by relief organizations, or donations to charity. Note: Raisins have a separate raisin exemption form.



# Stamp and Fax Procedure

- 1) Importer faxes CF 3461/7501 to USDA, AgMS inspection Office before entry
- 2) Inspection offices stamps and faxes back within 2 hours
- 3) The stamped CF 3461/7501 allows Customs to release the load conditionally
- 4) AGMS Inspection Required. Importer responsible for scheduling AgMS inspection shortly after entry



# Stamp and Fax

BOX 20: Mike Wells  
 K-210  
 DEPARTMENT OF THE TREASURY  
 UNITED STATES CUSTOMS SERVICE  
 ENTRY/IMMEDIATE DELIVERY  
 AGRA-SERVICES BROKERAGE CO., INC.  
 221-20 147TH AVENUE  
 JAMAICA, NY 11413  
 TEL. (718) 527-0560  
 Form Approved OMB No. 1515-0065  
 (118) 723-8645  
 Merry Christmas  
**D.A.D.**  
 240 BOX # 210 ABI Certified

1. ANNUAL DATE 122394	2. ENTRY DATE 12/19/96	3. ENTRY TYPE CODE/NAME 01 CONSUMPTIO	4. ENTRY NUMBER 167-1097772-8
5. SINGLE TRANSIT BOND 4601	6. CONSIGNEE NUMBER 13-3838441	7. BROKER/IMPORTER FILE NUMBER 11590	8. IMPORTER NUMBER SAME
13. ULTIMATE CONSIGNEE NAME 654 Madison Ave N.Y.N.Y. 10021		11. IMPORTER OF RECORD NAME SAME	
12. CARRIER CODE CANN	15. VESSEL CODE/NAME ALMANIA	14. LEGATION OF ORIGIN CODE(S)/NAME(S) E355 H AND M TERMINAL	
10. U.S. PORT OF UNLOADING 1800	17. MANIFEST NUMBER	18. Q.O. NUMBER	19. TOTAL VALUE 2850
22. DESCRIPTION OF MERCHANDISE 1 X 40' / PAPA YAMS & TOMATOES			
21. HTS CODE I HI	23. HTS QUANTITY V380017141 PRON6M000717	24. HTS NUMBER 0807200000 0702006090	25. COUNTRY OF ORIGIN MX MX
26. MANUFACTURER ID. MXPRIPE334YUC MXPRIPE334YUC			

27. CERTIFICATION  
 I hereby make application for entry/ immediate delivery. I certify that the above information is accurate, the bond is sufficient, valid and current, and that the requirements of 19 CFR Part 142 have been met.  
 Signature of Applicant: *[Signature]*  
 Phone No: 718-527-0560  
 Date: 12/19/96  
 29. BROKER OR OTHER GOVT. AGENCY USE  
 IF IMPORTED BY CLEAN VESSEL AND EXAMINATION IS REQUIRED, THE CARGO WILL BE TRANSFERRED TO THE EXAM SITE DESIGNATED BELOW BY THE TRUCKER UNDER THE BOND TYPE NOTED BELOW  
 Cont(s): CMCU 8-01751  
 Delivery Authorized: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_

AgMS U.S.D.A. NOTIFIED  
*Margame E. Vanech 12/19/96*  
 AgMS Inspector Date  
 Examination to be performed by  
 AgMS after release from  
 U.S. Customs custody.  
 IMPORTER MUST REQUEST INSPECTION  
 File No. 261

Trucker: H & M / CES  
 Exam Site: H & M

Paperwork Reduction Act Notice: This information is needed to determine the admissibility of imports into the United States and to provide the necessary information for the examination of the cargo and to establish the liability for payment of duties and taxes. Your response is necessary.

Form 3461  
 or  
 Form 7501



# Stamp and Fax

APPLICATION FOR 8e IMPORT PRODUCT INSPECTION

U.S. DEPARTMENT OF AGRICULTURE Agricultural Marketing Service Fruit and Vegetable Programs Processed Products Branch			
DATA FOR <input type="checkbox"/> DATES, <input type="checkbox"/> OLIVES, <input type="checkbox"/> PRUNES, & <input type="checkbox"/> RAISINS (One Container (Vessel) and Style Per Sheet)			
IMPORTER OF RECORD:			
ADDRESS:			
PORT OF ENTRY:			
NAME OF VESSEL:			
CONTAINER NUMBER:			
COUNTRY OF ORIGIN:			
CUSTOMS ENTRY NUMBER:			
BILL OF LADING NUMBER:			
BROKER'S REFERENCE NUMBER:			
DATE OF ENTRY: (MM/DD/YY)			
HARMONIZED TARIFF NUMBER:		FCE NO:	
APPLICANT:			
ADDRESS:			
CITY:		STATE:	ZIP:
CONSIGNEE NUMBER:		PHONE NO:	
PERSON CALLING:		FAX NO:	
DATE OF REQUEST:			
LOT NO'S:			
QUANTITY (NO. OF CASES AND WEIGHT)			
WEIGHT OF CASES:			
LOCATION OF LOT: WAREHOUSE: STREET: CITY/STATE/ZIP:		CONTACT: PHONE NO:	
DATE AVAILABLE FOR SAMPLING:			

## Processed Products Branch "Application For Inspection"





# Stamp and Fax

## Fresh Products Branch “Application For Inspection”

FORM APPROVED OMB NO. 0581-0125

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
FRUIT AND VEGETABLE DIVISION

INSPECTION       REQUEST FOR REINSPECTION OF FOOD PRODUCTS       APPEAL INSPECTION

*(This is the only acceptable form for fax inspection requests to USDA)*

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a). The Agricultural Marketing Act of 1946 and 7 CFR Parts 81.7 and 81.39 authorize the collection of this information. The information collected is used to identify the food product requiring inspection. Furnishing this information is voluntary; however, without it inspection may be delayed because of incomplete information. This information may be furnished to any agency responsible for enforcing the provisions of the Act.

Public reporting for this collection of information is estimated to average .053 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRA, Room 4046N, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0581-0125), Washington, DC 20503. When replying refer to the OMB Number and Form Number in your letter.

FAX NUMBER FOR LOCAL INSPECTION OFFICE: \_\_\_\_\_      NOTE: FILL IN ALL APPROPRIATE BLOCKS. INSPECTIONS MAY BE DELAYED BECAUSE OF INCOMPLETE INFORMATION.

APPLICANT, NAME OF COMPANY, AND ADDRESS: \_\_\_\_\_      DATE REQUESTED: 19\_\_\_\_

CONTACT: \_\_\_\_\_      TELEPHONE NO.: \_\_\_\_\_      TIME REQUESTED: \_\_\_\_\_

SHIPPER'S NAME AND ADDRESS: \_\_\_\_\_      LOCATION OF SHIPMENT: \_\_\_\_\_

RECEIVER'S NAME AND ADDRESS: \_\_\_\_\_      TYPE OF CARRIER:  CAR       TRAILER  
 LOT INSPECTION       INITIAL OR LICENSE NUMBER

PRODUCT(S)	BRANDS/MARKS	QUANTITY	SIZE	TYPE/VARIETY
	Importer has contacted AgMS USDA to perform product examination pursuant to Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.			
	Signature AgMS USDA Inspector		Date	

APPLICANT REQUESTS INSPECTION FOR:  CONDITION       GRADE       WEIGHT       SIZE       OTHER (Specify) 8e

APPLICANT'S REMARKS: \_\_\_\_\_

APPLICANT'S P/O NUMBER: \_\_\_\_\_

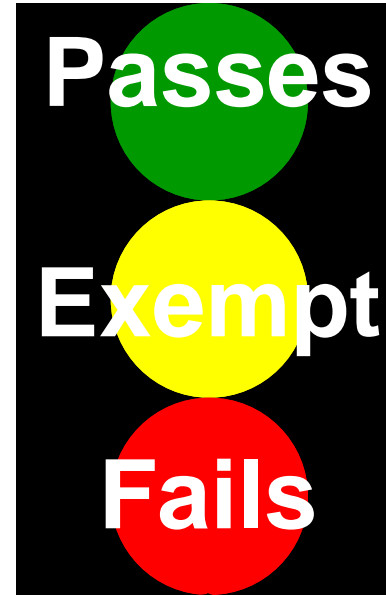
FV-237 (03/93) Replaces FV-237 (06-80), destroy previous editions.      U.S. Government Printing Office: 1999 — 722-649/9304



# What are the Possible Outcomes for 8e imports?



# Possible Outcomes



## Recondition & Reinspect

AMS inspection of reconditioned lot and certified dump of culls

## Send to exempt use

Properly complete FV-6 or Raisin or Prune exempt forms

## Re-export

Customs hole punched 7512 T&E and paid freight bill showing cargo and destination

## Destroy

Destroy under the supervision of an inspector





# The Importers Exempt Commodity Form (FV-6 Form)

- Used for shipments destined for processing, charity, livestock/animal feed (Order specific)
  - Part 1 completed by importer, Part 2 completed by receiver
    - Contact Karen Chaney at 202-690-0464 for forms







# Notice

**This shipment does not meet the requirements of Section 8e of the Agricultural Marketing Agreement Act (AMAA) of 1937**

**In order to comply with the law you must do the following:**

REQUIRED ACTION	PROPER DOCUMENTATION
1) <b>Recondition</b> the shipment that currently fails 8e import requirements and have it re-inspected, including the destruction of any culls.	1) USDA, AMS inspection certificate(s) for all units meeting 8e Import Requirements and a certificate for all destroyed units. These items must equal the original quantity of imported shipment.
Or	
2) <b>Re-Export</b> shipment	2) Customs Form 7512 signed by CBP personell or with Customs date hole punch stamp, or a Customs Form 7512 stamped "QP In Bond Authorized" with a paid freight bill showing destination and proper quantity of product.
Or	
3) Send shipment to <b>exempt use</b> .	3) Properly complete form FV-6 and return to USDA, MOAD, Compliance and Enforcement Branch. Visit our website for a listing of acceptable exempt uses for each commodity.
Or	
4) <b>Destroy</b>	4) USDA, AMS certificate documenting all units being disposed. This item must equal the original quantity of imported shipment

A copy of this failed inspection will be forwarded to the **USDA, AMS, Marketing Order & Agreement Division (MOAD), Compliance and Enforcement Branch** which will follow-up to determine the failed product's disposition. If the violation is not handled as listed above, you may be subject to one or more of the following:

- A. U.S. Customs demand for redeliver or liquidated damages for three times the value of imports
- B. U.S. Customs denial of entry for this shipment as well as future shipments.
- C. \$1,100 penalty per violation, each day the violation occurs.
- D. Civil forfeiture of the present market value.

Please fax or mail a copy of the failed inspection certificate stapled to the appropriate documentation of its disposition to:

**USDA, AMS, FV, MOAD, Compliance and Enforcement Branch**  
1400 Independence Ave., S.W.  
Stop Code 0237, Room 1406-S  
Washington, D.C. 20250

Fax#: 202-720-5698

Please contact us with any question concerning how to document or comply properly at:  
202-690-0464 or [complianceinfo@ams.usda.gov](mailto:complianceinfo@ams.usda.gov)



# New!

- Now, you can file the FV-6 Form online!
- Available 24/7, fast, friendly and convenient
- Contact MOAD Headquarters for more details & instructions



# How does MOAD handle compliance?



# U.S. Customs & Border Protection

## Memorandum Of Understanding and Directive 3250-007B



- Weekly Data Tapes Inform us of :
  - who
  - what
  - where
  - when
  - and how
- Acceptable documentation for release of 8e commodities
  - Passing U.S. Inspection Certificate
  - White copy of the FV-6
  - Stamp and Fax (where available)



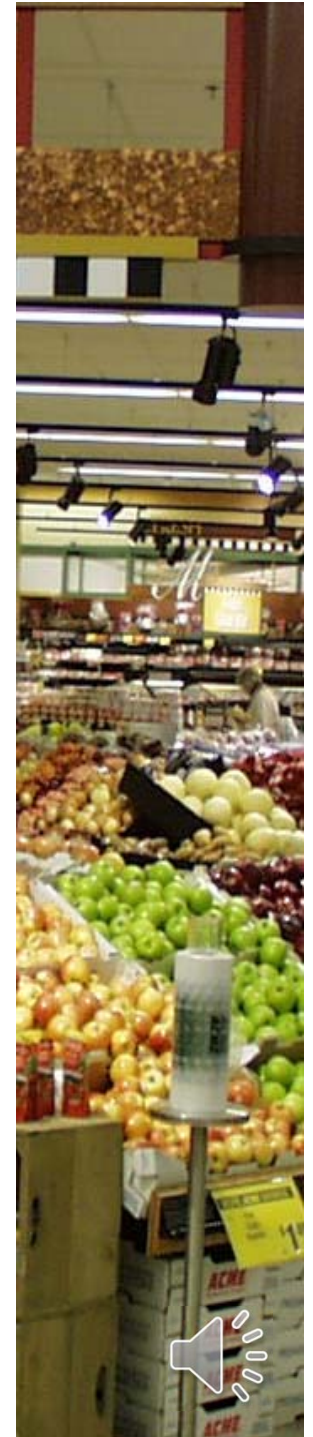
# Example of Compliance Activities

- Follow-up on incomplete FV-6 forms
- Determine disposition of failed inspection certificates
- Contact importers of uninspected entries
- Conduct audits



# Violation Penalties

- \$1,100 penalty per violation and each day the violation continues
- Re-delivery by Customs
- Denial of future entries
- Civil forfeiture of the market value
- Notification to related agencies
- Press Release regarding violation



[http://www.ams.usda.gov/AMSV1.0  
/FVMarketingOrderLandingPage](http://www.ams.usda.gov/AMSV1.0/FVMarketingOrderLandingPage)



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## Marketing Orders and Agreements

### Fruit, Vegetable and Specialty Crop Marketing Orders

Federal marketing orders are locally administered by committees made up of growers and/or handlers, and often a member of the public. Marketing order regulations, initiated by industry and enforced by USDA, bind the entire industry in the geographical area regulated if approved by producers and the Secretary of Agriculture.

Marketing orders and agreements (1) maintain the high quality of produce that is on the market; (2) standardize packages and containers; (3) regulate the flow of product to market; (4) establish reserve pools for storable commodities; and (5) authorize production research, marketing research and development, and advertising.

[More >>](#)

### Program Information

- [Steps in Establishing Marketing Orders](#)
- [Guide for Small Business](#)
- [Agricultural Marketing Agreement Act of 1937](#)
- [Regional USDA Marketing Order Office Contacts](#)

### News Update

- [Pistachio Growers Vote to Amend Marketing Order \[Press Release\]](#)
- [Sweet Cherry Growers in the State of Washington Vote to Continue Marketing Order \[Press Release\]](#)
- [Washington State Potato Growers Vote to Continue Marketing Order \[Press Release\]](#)
- [Cranberry Producers Vote to Continue Marketing Order \[Press Release\]](#)
- [Oregon and Washington Pear Growers Vote to Continue Marketing Order \[Press Release\]](#)
- [USDA to Terminate the Marketing Orders for California Nectarines and Peaches \[Press Release\]](#)
- [Regulations Issued Under the Export Grape and Plum Act; Revision to the Minimum Requirements. Docket Number: AMS-FV-10-0091; FV11-35-1 FR. EFFECTIVE: March 17, 2011. \[Notice PDF\]](#)

Last Modified Date: 02/09/2012



**I Want To**

- [Link to Current Fruit and Vegetable Marketing Orders](#)

**Additional Information**

- [Potato Import Regulation](#)
- [Electronic Code of Federal Regulations](#)
- [8e Import Compliance](#)
- ["Minority Landowner" Article on Board and Committee Diversity \(PDF\)](#)

[More..](#)







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## International Marketing

### Section 8e Import Compliance

This website assists importers in complying with fruit, vegetable and nut import requirements as mandated by Section 8e of the Agricultural Marketing Agreement Act of 1937 (AMAA). The law requires that imports of certain products meet the same or comparable standards as products covered under Federal marketing orders in the United States.

### Section 8e Resources

- [List of Commodities Covered under Section 8e of the AMAA](#)
- [Compliance Procedures](#)
- [What To Do If...](#)
- [Violation Penalties](#)

### Section 8e News and Notices

Specified Commodities Imported into the United States, Exempt from Import Regulations; Request for Extension of a Currently Approved Information Collection. Docket Number: AMS-FV-11-0053; FV11-944-1 NC. Comments are due by August 29, 2011. [[Notice PDF](#)]

Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Relaxation of Handling Requirements. Docket Number: AMS-FV-09-0085; FV10-925-1 IFR. Effective: April 8, 2010. Comments received by May 5, 2010, will be considered prior to issuance of a final rule. [[Notice PDF](#)]

Grapes Grown in a Designated Area of Southeastern California and Imported Table Grapes; Change in Regulatory Periods. Docket Number: AMS-FV-06-0814; FV03-925-1 FIR EFFECTIVE: February 8, 2010. [[Notice PDF](#)]

Modification to Potato Import Regulations and to Administrative Requirements for Onion, Potato, and Tomato Import Regulations. Docket Number: AMS-FV-08-0018; FV08-980-1 PR. EFFECTIVE: January 11, 2010. [[Notice PDF](#)] [[Summary PDF](#)]

**8E IMPORT REGULATIONS:** On January 19, 2009, a rule was published in the Federal Register revising the reporting requirements for imports regulated under Section 8e of the AMAA, as amended. These revisions will ensure completeness of information and streamline the inspection process. Docket Number: AMS-FV-07-0110; FV07-944/980/999-1 FR. [[Information for Importers PDF](#)] [[Notice PDF](#)] [[Regulations.gov](#)]

The changes involve:

### I Want To

- [Contact a Specialist](#)
- [Download Forms](#)
- [Learn More About Federal Marketing Orders](#)

### See Also

- [International Standardization and International Market News](#)
- [International Trade Data System \(ITDS\)](#)

### Import Requirements

- [APHIS Plant Protection and Quarantine](#)
- [FDA Center for Food Safety and Applied Nutrition](#)
- [U.S. Customs and Border Protection](#)





# National Contacts

<p><b>Marketing Order &amp; Agreement Division</b> 1400 Independence Avenue, SW Stop Code 0237, Room 2525-S Washington, D.C. 20250-0237</p> <p>Phone: (202) 720-2491 Fax: (202) 720-569</p>	<p><b>Fresh Products Division</b> 1400 Independence Avenue, SW Room 1536-S, Stop 0240 Washington, D.C. 20250-0240</p> <p>Phone: (800) 560-7956 FAX: (202) 720-0393</p>	<p><b>Processed Products Division</b> 1400 Independence Avenue, SW, Room 0709-S, Stop Code 0247, Washington, D.C. 20250-0247</p> <p>Phone: (202) 720-4693 FAX: (202) 690-1087</p>
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# Agricultural Marketing Service Marketing Order & Agreement Division

Section 8e Requirements  
for Imported Fruits & Vegetables

# Thank You

