

Circular  
Q-330.300-1  
Soil (9-96)

**U.S. Department of Agriculture**  
Animal and Plant Health Inspection Service  
Plant Protection and Quarantine  
4700 River Road, Unit 136  
Riverdale, Maryland 20737-1228

## **IMPORTING FOREIGN SOIL**

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The Animal and Plant Health Inspection Service (APHIS) is the agency within the U.S. Department of Agriculture charged with enforcing quarantine regulations designed to protect U.S. agriculture from the introduction of potentially destructive plant and animal pests and diseases.

Soil is strictly controlled under APHIS quarantine regulations because it can readily provide a pathway for the introduction of a variety of dangerous organisms into the United States. Pest and disease concerns associated with soil include animal and plant viruses, bacteria, and fungi; as well as nematodes, noxious weeds, and certain life stages of destructive exotic insects.

Soil cannot be adequately and practically inspected for the spectrum of organisms which might be harmful. For this reason, **the movement of soil into the United States from foreign sources is prohibited, and movement within the continental U.S. is restricted unless authorized by APHIS under specific conditions and safeguards.**

The following discussions will provide detailed information about the authorizations provided by APHIS for soil movement.

## **Scope of the Regulations:**

Title 7 of the Code of Federal Regulations (CFR), Part 330.300 describes the authority for APHIS policies and procedures related to the importation of soil from foreign sources as well as from Hawaii, Guam, Puerto Rico, and the U.S. Virgin Islands, but not including soil from Canada unless imported from Newfoundland or the Land District of South Saanich on Vancouver Island of British Columbia.

Regulated items include materials such as topsoil, forest litter, compost, humus, earthworm castings, and any of a variety of items composed of largely unidentifiable plant parts or mixtures of organic and inorganic ingredients which are capable of supporting biological activity and therefore capable of providing the means for carrying and introducing harmful pests or diseases.

Items which are outside the scope of the regulations include; pure sand, clay, talc or other pure mineral articles, as well as rocks, gravel and ore which are not contaminated with soil or organic debris. Peat is also unregulated, provided it is pure.

Cosmetic mud and other mud products may also be exempt from regulation. However, mud products must be processed to a smooth consistency and visibly free of contaminants. Mud which has not been commercially processed, must be smooth, uncontaminated, and accompanied by foreign certification stating that the mud was taken from a source at least 7 feet below the water surface.

Materials such as those described above can be considered outside the scope of APHIS soil regulations. However, such items remain subject to inspection at the U.S. port of arrival.

**All shipments must be inspected to establish the nature and identity of the imported material and verify that the shipment is free of pests and prohibited contaminants. Any shipment or portion of a shipment may be refused or require treatment based upon inspection findings.**

Therefore, non-soil items should be absolutely pure, with no visible signs of soil, insects, organic debris, or prohibited contaminants. **Items which appear soil-like are regulated as soil unless determined to be exempt based upon inspection.**

## Canadian Soil

Soil from Newfoundland and from that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road, Canada is regulated as foreign soil. Soil from other parts of Canada may be imported into the U.S. subject only to inspection and verification of the origin.

## Domestic Soil

**Soil from Guam, Hawaii, Puerto Rico, and the U.S. Virgin Islands is handled as foreign soil** and is authorized movement into the continental U.S. under the provisions described for foreign soil.

Domestic soil (from within the continental U.S.) may be restricted movement from specific areas under APHIS quarantine regulations. **When required by quarantine**, the movement of domestic soil may be authorized through the development of a compliance agreement established between the local APHIS office and the person or firm responsible for handling the soil.

Persons desiring more information related to the movement of domestic soil are encouraged to contact the local Plant Protection and Quarantine (PPQ) office and State agricultural officials. The PPQ Permit Unit in Riverdale, Maryland can help identify appropriate offices. The telephone number for the Permit Unit is Area Code (301) 734-8645, fax (301) 734-5786.

## Hawaii and Puerto Rico

Soil shipments from Hawaii and Puerto Rico are treated and/or authorized by PPQ in Hawaii or Puerto Rico before being released for movement to the continental United States.

## Israel

Small amounts of soil from Israel may be authorized for importation without treatment at the port of entry. **A special permit is required**, and shipments must be accompanied by a certificate which states that the soil is non-agricultural and has been heat treated in Israel.

### **Foreign soil treated at the port of entry:**

A permit can be issued by the Permit Unit usually within 2 weeks **if the applicant has requested an authorization for less than three pounds of soil (per shipment), and the soil can be heat sterilized by PPQ at ports with appropriate facilities.** Permits of this type may be provided for a single shipment or for continuous shipments over a period of up to 5 years.

Most major ports have PPQ operated facilities where soil can be treated under prescribed treatment schedules. These treatments require dry heat at 250° F. for at least two hours or steam heat at the same temperature for 30 minutes with 15" pressure.

Importers are cautioned that **shipments which are hand carried to the port of entry are not normally treated and released immediately upon arrival.** As a result, handling and forwarding arrangements may be necessary to ensure that the shipment is forwarded to the destination after it has been treated and released by PPQ. **The importer or permittee is responsible for all arrangements and the costs associated with handling and forwarding.**

**Mail and cargo shipments must arrive with postage or freight paid for delivery to the destination.** Applicants indicating a need to ship by mail or freight are provided with labels (PPQ Form 550) which should be affixed to shipping packages. These labels identify the package as regulated material subject to special handling. A copy of the permit should also accompany each shipment.

All soil shipments which are authorized to be treated at the port of entry, must be shipped in sturdy, leakproof cloth bags which can be heat treated without removing the soil. Notes, labels, or reference materials related to the shipment should be separate (or steam heat and dry heat resistant) to be sure that important information is not lost or destroyed during treatment. Permittees are encouraged to consult PPQ at the port of entry before shipping soil in other than a sturdy cloth bag.

Any shipment which is not authorized under permit will be held by PPQ at the port of entry pending either a one-time authorization or the issuance of a formal written permit from the Permit Unit. Any shipment which is not ultimately authorized or is not in compliance with permit requirements, must be destroyed or reexported at the importer's expense.

## **Foreign soil NOT treated at the port of entry:**

Soil which cannot be treated at the port of entry may be authorized for movement to a facility approved in advance and authorized under a permit issued by PPQ. Specific safeguard provisions are described in the permit and also in a compliance agreement with the facility.

**Untreated soil cannot, under any circumstances, be authorized for importation unless the shipment is going to an approved facility under a valid permit.** Neither the port nor the Permit Unit is able to provide one-time or provisional authorizations. A permit is mandatory.

For legal reasons, **permits for movement to approved facilities cannot be issued to agents, third parties, or others who cannot be directly responsible for the soil. The permittee must be the person directly responsible for the facility authorized to receive the soil.**

**The responsibilities and liabilities associated with the permit cannot be transferred to another person or facility unless the soil is transferred to another permit holder or reexported in accordance with specific PPQ instructions.** In either case, the original permittee must maintain clear records which describe the disposition of each shipment or portion of a shipment which has been transferred or exported.

## **Permit processing:**

The importation and movement of untreated soil is considered by APHIS to be an extremely high risk activity. For this reason, **several levels of review and approval are required before a permit can be provided. Up to two months may be necessary for processing.**

The process is initiated by submitting the completed PPQ Form 525-A to the USDA-PPQ State Plant Health Director of the State in which the applicant is located (addresses are provided on the back of the permit application). State officials also review the permit application and may work with PPQ in developing suitable provisions for a compliance agreement. Following this, PPQ will arrange for a site inspection and will execute a compliance agreement which describes the handling, treatment, and disposal of soil at the specific authorized site.

After a compliance agreement is developed and signed, and the permit application is approved by the local State and PPQ Officials, it is then forwarded to the Permit Unit where it is reviewed. Applications for which import provisions may be developed are approved, and an import permit is issued by the Permit Unit. The permit will be sent directly to the applicant, and copies will be sent to appropriate State and PPQ offices.

## **The isolation of organisms from soil:**

The isolation of organisms from soil is considered by PPQ to be a legitimate analytical activity for which the importation of soil may be authorized if the soil is handled and treated as prescribed in a permit. A soil permit provides very specific controls over the soil itself, but does not authorize the removal or maintenance of organisms from the soil.

Permittees are cautioned that soil may contain plant, animal, or human disease agents which are likely to be prohibited, restricted, or otherwise regulated under other authorities. **The permittee is responsible for ensuring that all activities related to the removal and/or maintenance of organisms from soil are authorized by the proper authorities.** The permits required for isolating and culturing **plant pests** from imported soil are handled by PPQ through the Plant Pest Permit Unit, Biological Assessment and Taxonomic Support (BATS) staff. The BATS permit issuing office may be contacted at Area Code (301) 734-7211.

## **Movement:**

Soil shipments may be imported by freight or mail, or hand carried as personal baggage. All freight and mail shipments should be marked with labels (PPQ Form 550). The labels help to identify the shipment as regulated material moving under a permit. **It is important that complete information identifying the approved facility is attached to the shipping package.**

Each shipment is inspected to verify that the packaging is leakproof, secure, and adequately labeled. PPQ officials will also check the destination against the current list of approved facilities. Shipments that are adequately packaged and consigned to approved facilities, will be released by PPQ to move to the destination.

**Soil shipments are only authorized to move from the port of entry to the destination in the care of a bonded carrier, or the mail. Shipments of untreated soil cannot be hand carried from the port of entry to the approved facility. The permittee/importer is responsible for all arrangements necessary to ship soil to the approved facility from the port of entry.**

**Permittees who wish to move untreated soil from an approved location must receive prior approval from PPQ.** The new location must first be approved by PPQ, and the permittee must make all arrangements for movement by mail or a bonded freight carrier. Records maintained by both facilities must accurately reflect the status of each shipment or portion of a shipment which has been transferred.

## **Final disposition:**

Soil permits normally require that soil be autoclaved or incinerated before disposal if the soil has not been treated by PPQ at the port of entry. However, several other options may also be considered, depending upon the circumstances.

Under laboratory conditions, small amounts of soil in water may be placed directly into standard sewage drains, provided the drain empties into a tertiary treatment system, (such as a municipal system).

A dry heat treatment, at least as rigorous as the PPQ prescribed treatment, is another acceptable alternative. Destructive analysis, acid washing, irradiation, and boiling can also be approved.

Museums and certain laboratories often require archive samples which cannot be destroyed or sterilized. For these situations, an authorization to store untreated soil for an indefinite period of time can be developed if the need is justified and the applicant can demonstrate adequate safeguards. However, it is important to realize that **the permittee is responsible for safeguarding and ultimately treating or destroying the soil under the conditions of the permit, even if the permit has expired.**

In other situations, the imported soil may be contaminated with hazardous substances, or the soil may be a contaminant of something that cannot be treated or destroyed. In these instances, PPQ will consider an authorization for sealed containers which are placed directly into approved storage sites such as EPA approved landfill facilities. Under these circumstances, the permittee must be the person responsible for the storage site.

Other situations may also be considered by PPQ if the importer believes that the untreated soil can be adequately safeguarded. Conditions which vary significantly from those discussed above should be described in writing and submitted to the Permit Unit with the permit application.

## **Import Permit Application:**

The importation of soil from foreign sources is authorized by APHIS solely under strictly controlled circumstances described in a permit issued by the PPQ Permit Unit. Import requests must begin with the completion of PPQ Form 525-A. **Form 525-A is the only form or format that can be used for requests to import foreign soil.** Application forms may be obtained from local PPQ offices or the Permit Unit.

**Facsimile and photocopied forms can be accepted. Be sure the application has complete information and a legible signature.** Applications can be accepted only from firms or individuals resident in the United States.

It is extremely important that parts 1 - 14 of the form are complete and legible when submitted. Information about the country of origin and number of samples may be marked as various.

Precise information is required for the name and address of the applicant, whether the shipments can be heat treated, the method of packaging, the destination, whether soil is to be used as a growing medium, the precautions to be used to prevent pest dissemination, and the method of final disposition. It is also very important that **the printed name of the applicant who is responsible for the soil be in block 13.**

There is no charge for a soil permit, nor is there any charge for treatments which are done by PPQ for small quantities of soil imported under a valid permit.

**Applicants interested in expediting processing may use express delivery services. All arrangements and costs are the responsibility of the applicant.**

## **Permit validity:**

**Approved facilities may be authorized to receive continuous shipments of soil for up to five years.** Each approved facility is identified on a list maintained by PPQ. The list is routinely updated in order to ensure that PPQ personnel can recognize and release shipments of soil marked for approved facilities.

The identity, location, and permit status for each approved facility is public information. However, copies of the permit and the permit number are not available to the public without the expressed permission of the permittee.

**It is incumbent upon the permittee to ensure that the permit is renewed or amended as necessary. PPQ Form 525-A must be submitted in order to initiate the renewal process, but either a letter or a PPQ Form 525-A may be used to request amendments. PPQ does not notify permittees when a permit has expired or is about to expire.**

Once a valid permit has been issued, approved facilities will be monitored (reinspected) on a routine basis. It is extremely important that permittees cooperate with PPQ and State officials involved in routine inspections and the revalidation of permits for approved facilities. Facilities, records, and personnel associated with the importation, handling, and final disposition of all soil shipments must be available for review upon request.

Permits may be suspended at any time based upon inconsistencies or violations reported to the Permit Unit by field or port officials. **Documented violations of permit and compliance agreement provisions, or APHIS regulations, can provide the basis for revoking a permit and may result in civil or criminal penalties against the violator.**

Permits may also be terminated at the request of the permittee. A request of this nature must be submitted to the Permit Unit in writing. **Only the permittee or his legal representative can request that a permit be changed or terminated.**

## **Facilities eligible for permits:**

Soil may be imported for a variety of legitimate reasons, or it may accompany other articles as a contaminant. Regardless of the circumstances, facilities authorized to receive foreign soil must meet certain minimum criteria designed to ensure that untreated soil will not provide a pathway for the introduction of pests or diseases.

In general, approved facilities must have a secure area for receiving and storing untreated soil as well as a means to destroy or sterilize soil in the same facility. Access to untreated soil must be limited to the permittee and a few others with a need to handle the soil and an understanding of the requirements. **All areas, activities, equipment, and personnel involved with untreated soil must be under the direct control of the permittee.** Other, more specific requirements are stated in permits.

Residences, conveyances, public facilities, and any location which is accessible to other than the permittee and authorized individuals, cannot be considered sufficiently secure to qualify as approved facilities.

## **Authorized uses:**

Soil is most frequently imported in small quantities for laboratory analyses. Permits for this purpose are routinely authorized if the facility and permittee adequately demonstrate the ability to safeguard and destroy or treat soil.

However, untreated soil is not authorized for use as a growing medium for plants unless the soil is to be used under strictly controlled conditions within a laboratory or growth chamber, or the soil is sterilized prior to use as a growing medium. Greenhouse and field work with untreated soil cannot be authorized.

Permit Unit  
Plant Protection and Quarantine  
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