



United States Department of Agriculture

Agricultural Marketing Service, Specialty Crops Program, Specialty Crops Inspection Division

PATCH #035

DOCUMENT: 8E Marketing Order Manual, July 2012

REMARKS: MOAD's "Notice" letter to the importer (Page 13) is obsolete, new guidance is as follows:

MOAD's "Notice" Letter to the Importer

MOAD's "Notice" letter to the importer has been updated with removal of the fax number and the new ComplianceInfo@ams.usda.gov e-mail address. Please distribute this letter to applicants with failing Section 8E commodities. This letter notifies the applicant of the proper disposition options and appropriate notifications for submittal to MOAD for compliance with Section 8E regulations.

This PATCH represents official guidance. This PATCH is scheduled to be incorporated into the document listed above. After incorporation into the document listed above this PATCH will become obsolete. USDA is an equal opportunity provider, employer, and lender.

PATCH #035 MOAD's "Notice" Letter to the Importer (August 27, 2018)

SCI Division Inspection Series

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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 import requirement, **one** of the
following actions is necessary:

RE QUIRED ACTION	PROPER DOCUMENTATION
1) Recondition the shipment that currently fails 8e import requirements and have it re-inspected, with the destruction of any culls witnessed by a USDA inspector.	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) Export the shipment to another country	2) Customs Form 7512 signed by CBP personnel 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 the shipment for exempt use , for example, donate the shipment to a food bank or other charitable organization.	3) Electronically completed form SC-6, submitted on-line to USDA, MOAD, Compliance and Enforcement Branch; visit our website for a listing of acceptable exempt uses for each commodity; for additional information, please visit, www.ams.usda.gov/rules-regulations/ section8e/understanding-sc6
Or	
4) Destroy, dump, dispose of the shipment , witnessed by a USDA inspector	4) USDA, AMS certificate documenting all units being disposed, this item must equal the original quantity of imported shipment

Documentation of failed inspection(s) 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. \$2,750 penalty per violation, each day the violation occurs.
- D. Civil forfeiture of the present market value.

Please forward a copy of the failed inspection certificate along with documentation of the shipments
ultimate disposition: ComplianceInfo@ams.usda.gov

Please contact us with any question concerning how to document, and comply with the AMAA appropriately:

<https://www.ams.usda.gov/rules-regulations/section8e>

<https://www.ams.usda.gov/rules-regulations/section8e/complying>

ComplianceInfo@ams.usda.gov

Customer Service Line, at 888-551-3523

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