

United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Plant Protection & Quarantine  
4700 River Road  
Riverdale, MD 20737

**Permit to Import Plants and Plant Products  
Regulated by 7 CFR 319. 37**

**This permit was generated electronically via the eFile system**

<b>APPLICATION NUMBER:</b>	A-00255820	<b>DATE ISSUED:</b>	05/15/2023
<b>PERMIT NUMBER:</b>	537-23-128-93586A2	<b>EFFECTIVE:</b>	<b>05/15/2023 – 05/08/2026</b>
<b>APPLICANT NAME: (Relationship to Permittee)</b>	David W. McGowan ( )	<b>PERMITTEE NAME:</b>	David W. McGowan
<b>ORGANIZATION: ADDRESS:</b>	Horticultural Associates 236 Old Scottsville-Chili Road, Churchville,, New York, 14428	<b>ORGANIZATION: ADDRESS:</b>	Horticultural Associates 236 Old Scottsville-Chili Road, Churchville,, New York, 14428
<b>MAILING ADDRESS:</b>	PO Box 64932, Rochester,, New York, 14624	<b>MAILING ADDRESS:</b>	PO Box 64932, Rochester,, New York, 14624
<b>PHONE:</b>	585-889-5933	<b>PHONE:</b>	585-889-5933
<b>EMAIL:</b>	info@wefindplants.com	<b>EMAIL:</b>	info@wefindplants.com
<b>DESIGNATED PORTS:</b>	Various Approved Ports of Entry Specified under the Conditions and Staffed by CBP-Agriculture Specialists		

Under the conditions specified, this permit authorizes the following:

**Intended Use:** Plants for Planting

Articles	Commodity Type	Country/ Countries of Origin	Plant Parts
1. Pinus	Plants for Propagation	Canada	All Plant Parts Except Seeds

Permit Number: 537-23-128-93586A2

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE  <b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b>	DATE  <b>05/15/2023</b>
---	-------------------------------

WARNING: Any alteration, forgery or unauthorized use of this Federal Form is subject to civil penalties of up to \$250,000 (7 U.S.C.s 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of not more than 5 years, or both (18 U.S.C.s 1001)

**SPECIAL INSTRUCTIONS TO INSPECTORS**

See permit conditions below

**PERMIT CONDITIONS**

**Please note that the import requirements and approved commodities listed below are subject to change at any time during the duration of this permit. Please refer to the USDA-PPQ Port Program Manuals at [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/index.shtml](http://www.aphis.usda.gov/import_export/plants/manuals/ports/index.shtml) for the current import requirements for the commodities you are importing.**

This permit authorizes the importation of the listed articles, under the conditions specified below. A copy of the first page of this permit must accompany all shipments authorized under this permit. For additional questions concerning this permit, call the PPQ automated phone system at: 1-877-770-5990.

This APHIS-issued import permit only covers compliance with APHIS regulations and requirements. Therefore, this APHIS permit for the commodity to be imported does not reduce or eliminate the permittee’s legal duty and responsibility to likewise comply with all other Federal and State regulatory requirements applicable to the commodity to be imported.

Genetically engineered plant materials regulated by 7 CFR Part 340 must be imported with a valid APHIS 2000 Permit or Notification. Please call (301) 851-3935 or email [Biotechquery@aphis.usda.gov](mailto:Biotechquery@aphis.usda.gov) for more information.

The importer or designee is responsible for confirming with CBP and PPQ at the destination port in advance of each shipment, that CBP and PPQ has the capacity to clear or handle permitted air, land, and maritime cargo shipments, including bulk, mail, and express consignment shipments.

The permittee is the legal importer of an article and is responsible for complying with the permit conditions. The permittee must be at least 18 years of age and have and maintain an address in the United States that is specified on the permit and be physically present during normal business hours at that address during any periods when articles are being imported or moved interstate under the permit; or If another legal entity, maintain an address or business office in the United States with a designated individual for service of process; and serve as the contact for the purpose of communications associated with the movement of the regulated article for the duration of the permit.

Any person who violates the Plant Protection Act (PPA) of the United States, individuals or corporations who fail to comply with these conditions and authorizations, or who forge, counterfeit, or deface permits may be criminally or administratively prosecuted and found guilty

Permit Number: 537-23-128-93586A2

<p>THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE</p> <p align="center"><b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b></p>	<p>DATE</p> <p align="center"><b>05/15/2023</b></p>
---	---

of a misdemeanor which can result in penalties, a one-year prison term, or both. In addition, all current permits may be cancelled and future permit applications denied.

**Shipment Details:**

The shipment must be free from soil (unless authorized), prohibited plant materials and plant parts, other regulated foreign matter or debris, and quarantine living organisms such as parasitic plants, pathogens, insects, snails, and mites.

If the official personnel find that the shipment requires treatment as a condition of entry, is contaminated with a quarantine plant pest or pests, is commingled with a prohibited plant material, or if required documentation is incomplete or missing, they will order the least drastic action, which could be approve treatment, re-exportation or destruction of a shipment, a portion of a shipment, or any other material associated with the shipment (i.e. pallets, packaging, means of conveyance) Noncompliant shipments will be treated, re-exported or destroyed, at the consignee’s expense.

If fumigation is required, and plastic wrappings such as cellophane, films, and shrink wrap; and papers that are waxed, laminated, or waterproofed are used for wrapping must be perforated, removed, or opened before fumigation. If wrappings are perforated to facilitate fumigation, holes should be at least 3/16-inch in diameter every 3 square inches or ¼-inch in diameter every 4 inches over the entire surface of the wrapping.

All Wood Packing Materials (WPM) with the shipment are subject to ISPM 15 treatment and IPPC stamp requirements.

Any person who violates the Plant Protection Act (PPA) of the United States, individuals or corporations who fail to comply with these conditions and authorizations, or who forge, counterfeit, or deface permits may be criminally or administratively prosecuted and found guilty of a misdemeanor which can result in penalties, a one-year prison term, or both. In addition, all current permits may be cancelled and future permit applications denied.

**1. Universal conditions applicable to all articles on this permit**

2. This commodity is subject to inspection at the port of entry and all requirements of [7 CFR 319.37-8](#).

Permit Number: 537-23-128-93586A2

<p>THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE</p> <p><b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b></p>	<p>DATE</p> <p><b>05/15/2023</b></p>
--	--------------------------------------

WARNING: Any alteration, forgery or unauthorized use of this Federal Form is subject to civil penalties of up to \$250,000 (7 U.S.C.s 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of not more than 5 years, or both (18 U.S.C.s 1001)



3. All plants for planting **must** be accompanied by an original phytosanitary certificate issued **not** more than 15 days prior to shipment of regulated plants for planting from the country in which they were grown and **must be one of the following**:

- Signed original (hardcopy on plain paper or security paper that is wet signed or digitally signed); **OR**
- Scan of signed, original hardcopy uploaded to Customs and Border Protection’s (CBP’s) Automated Commercial Environment (ACE) using the Document Imaging System (DIS); **OR**
- Electronic phytosanitary certificate created and shared through a participating country’s ePhyto system (digital exchange).

The phytosanitary certificate must contain the following information, unless stated otherwise :

- Identify the genus;
- If individual species or cultivars within a genus have additional restrictions, then identify the species or cultivar;
- If there are **no** additional restrictions, then the species or cultivar is strongly preferred;
- If an intergeneric hybrid, then place the multiplication sign × before the name of the intergeneric hybrid;
- If an intraspecific hybrid, then place the multiplication sign × between the names of the parent taxa;
- Hybrids may be listed as hybrid, hybrida, hybridum, hybridus, or hybr.;
- If a hybrid plant is for propagation, then list the parent taxa if they are known;
- If a hybrid plant has NAPPRA parent(s) (one or both), then regulate as NAPPRA; and
- If the plant is budded, grafted, or otherwise contains interpolated plant parts, then identify all plant parts (e.g., interstem, rootstock, or scion) that belong to restricted taxa to the lowest regulated taxon (genus, species, cultivar).
- Certify the place of origin for all contents of the shipment;
- Certify the shipment has been inspected and/or tested according to appropriate official procedures and is considered free from quarantine pests of the United States;
- Certify that the shipment conforms with the phytosanitary requirements of the United States and is considered eligible for importation pursuant to the laws and regulations of the United States.

**NOTICE:** Information on the phytosanitary certificate, container, invoice, and packing list should match up for more efficient processing and to avoid delays.

Permit Number: 537-23-128-93586A2

<p>THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE</p> <p><b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b></p>	<p>DATE</p> <p><b>05/15/2023</b></p>
--	--------------------------------------



## 5. Packaging Requirements

**5.1.** Must not be packed in the same container as plants for planting whose importation into the United States is Not Authorized Pending Pest risk Analysis (NAPPRA) in accordance with 7 CFR § 319.37-4.

**5.2.** Must be accompanied by packing list indicating:

- Contents of each box or container in the consignment/shipment
- Scientific name to the lowest plant taxon
- The weight of the seed (grams or kilograms) or number of plant units of each plant taxon
- References each box number on both the packing list and the physical box.

**5.3.** Label Each container with genus and species. If the container holds more than one species, label each species separately.

Keep shipments with more than one plant species in separate packaging (i.e. box, bag, crate, rack etc.). If a pest is found on any articles in a package, inspectors may order emergency measures (i.e. treatment, re-export or destruction).

## 2. Conditions specific to articles listed below

### 1. Pinus (All Plant Parts Except Seeds) from Canada into All Ports

**1.** This document describes the import requirements for the genus *Pinus* **except** for the species:

- *Pinus ponderosa* (*P. ramorum*)

**3.1.** The shipment of Plants for planting (except seeds and unrooted cuttings) from a country of origin regulated for potato cyst nematodes must be accompanied by a phytosanitary certificate containing either one of the following additional declarations:

- "The plant was grown on land or in substrate which has been microscopically inspected by the national plant protection organization of the country in which it was grown within 12 months preceding issuance of

Permit Number: 537-23-128-93586A2

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE

**APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37**

DATE

**05/15/2023**



the certificate and found free from potato cyst nematodes *Globodera rostochiensis* and *Globodera pallida*.

OR

- "The plant has been grown within a secure environment in a production area that is free of potato cyst nematodes, in a soilless growing medium or invitro and has **never** been grown in soil **nor** come in contact with soil."

**3.1.1.** Currently only certain areas in Canada are regulated by CFIA for potato cyst nematodes (*Globodera rostochiensis* and *Globodera pallida*). If the commodity is from a Non-PCN area of Canada it is admissible without an additional declaration. See the [CFIA web site](#) for the most up to date information on where PCN is regulated.

<http://www.inspection.gc.ca/plants/plant-protection/directives/potatoes/d-96-05/eng/1323791878398/1323792597204#app3>

**4. Plants for Planting Considered as Being Solely from Canada**

Plants for Planting imported into Canada from another country or locality shall be considered as being solely from Canada if they meet all of the following conditions:

- They are imported into the United States directly from Canada after having been grown for at least 1 year in Canada; AND
- They have never been grown in a country from which their importation would be Not Authorized Pending Pest Risk Analysis (NAPPRA) under 7 CFR 319.37-4; AND
- They have never been grown in a country, other than Canada, from which it would be subject to certain restrictions on the importation of specific types of plants for planting under §319.37-20, which are listed in the Plants for Planting Manual; Provided, that plants for planting that would be subject to postentry quarantine if imported into the United States may be imported from Canada after growth in another country if they were grown in Canada in postentry quarantine under conditions equivalent to those specified in the Plants for Planting Manual; AND
- They were not imported into Canada in growing media.

**NOTICE** If the plant does not meet the definition of being solely from Canada then regulate as being from its country of origin.\*\*\*

Permit Number: 537-23-128-93586A2

<p>THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE</p> <p><b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b></p>	<p>DATE</p> <p><b>05/15/2023</b></p>
--	--------------------------------------



**4.1.** Plants for planting of Canadian origin entering from Canada are subject to inspection by CBP Agriculture Specialist at Customs designated Approved Ports of Entry at the Canadian Border.

**4.2.** Plant Imports from Canada as part of the:

- United States–Canada Greenhouse-Grown Plant Certification Program (GCP)
  - If commodities are accompanied by an Export Certification Label (ECL, also called a GCP Sticker) from an authorized GCP facility then it is **admissible without** a phytosanitary certificate and additional declaration.
  - See the [U.S. Canada Greenhouse Certification Job Aid](#) and [U.S. Canada Greenhouse Plant Certification Program](#) website
- Canadian Nursery Certification Program (CNCN) from Canada
  - A CNCN phytosanitary certificate affixed with a CNCN export label may be used in lieu of a regular phytosanitary certificate with an additional declaration
  - [See the U.S.-Canada Nursery Certification Program Job Aid](#) for details on accompanying documentation
- In Growing Media Program
  - Plants for planting from Canada may be imported in any growing media, including soil, into the United States if the shipment is coming from an area **not** affected by Potato Cyst Nematode (PCN)

**4.3.** Plants from Canada established in soil are **prohibited** entry to Hawaii and Puerto Rico when shipped directly from Canada;

Plants may be established in any growing media, unless from an area of Canada regulated by the national plant protection organization (NPPO) of Canada for potato cyst nematodes;

**5.4.** Imported as Cargo (i.e., air cargo; maritime shipment (sea cargo); tractor trailer, truck, van, etc.)

The outer container **must** plainly and correctly bear:

- General nature of contents;
- Quantity of contents (weight of the seeds or number of plant units);
- Country and locality where grown;
- Name and address of shipper, owner, or person shipping or forwarding the consignments;

Permit Number: 537-23-128-93586A2

<p>THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE</p> <p><b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b></p>	<p>DATE</p> <p><b>05/15/2023</b></p>
--	--------------------------------------

WARNING: Any alteration, forgery or unauthorized use of this Federal Form is subject to civil penalties of up to \$250,000 (7 U.S.C.s 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of not more than 5 years, or both (18 U.S.C.s 1001)



- Name and address of consignee
- Identifying shipper's mark and number

**5.5.** Plants for planting may only be shipped in approved packing material when meeting all of the following conditions:

- Plants are packed in the packing material immediately prior to shipment;
- Plant material must be shipped in Approved Packing Material listed below;
- Packing material has not been previously used as packing material or otherwise used as growing media (see Growing Media); and
- Packing material is approved by the USDA-APHIS as not posing a risk of introducing quarantine pests (see Approved Packing Material).

**Approved Packing Material**

- Baked or expanded clay pellets
- Buckwheat hulls
- Coral sand from Bermuda **(1)**
- Excelsior
- Exfoliated vermiculite
- Ground cork
- Ground peat
- Ground rubber
- Paper
- Perlite
- Polymer stabilized cellulose
- Quarry gravel
- Rock wool
- Sawdust
- Shavings, cork
- Shavings, wood
- Sphagnum moss
- Stockosorb superabsorbent polymer
- Vegetable fiber **(2)**
- Volcanic rock

**(1) - Coral sand from Bermuda** is an approved packing material if the plant is **accompanied by a phytosanitary certificate** containing an accurate additional declaration from the national plant protection organization that such sand is free from soil.

**(2) - Vegetable fiber** is an approved packing material **if free of pulp**. This includes coconut fiber and Osmunda fiber (except cotton fiber and sugarcane fiber).

Permit Number: 537-23-128-93586A2

<p>THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE</p> <p><b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b></p>	<p>DATE</p> <p><b>05/15/2023</b></p>
--	--------------------------------------





6. Approved growing media for shipments from PCN affected areas of Canada: baked expanded clay pellets, coal cinder, coir, cork, glass wool, organic and inorganic fibers, peat, perlite, phenol formaldehyde, plastic particles, polyethylene, polymer stabilized starch, polystyrene, polyurethane, rock wool, stockosorb super absorbent polymer, vermiculite, volcanic rock, zeolite, or any combination of these media.

7. Canadian Origin Plants in Growing Media from PCN Regulated Areas

If plants for planting in growing media come from an area regulated by the Canadian Food Inspection Agency (CFIA) for potato cyst nematodes (PCN), then they may only be imported in an approved growing medium when **accompanied by a phytosanitary certificate with an additional declaration** that the plants were grown in a manner to prevent infestation by potato cyst nematodes (*Globodera rostochiensis* and *Globodera pallida*).

8. Spongy Moth Regulations from Canada

Trees and shrubs from Canada are regulated to prevent the spread of spongy moth (*Lymantria dispar dispar*) from Canada into non-infested areas of the United States. If the plants are **woody trees or shrubs**, then they are **regulated for spongy moth**.

**Exceptions to these regulations** include:

- Trees and shrubs from Canada that were greenhouse-grown throughout the year in Canada are **not** regulated for spongy moth (*Lymantria dispar dispar*).
- Trees and shrubs from Canada that are destined for a spongy moth infested area in the United States and will **not** be moved through any U.S. noninfested area are **not** regulated for spongy moth (*Lymantria dispar dispar*).

Trees and shrubs destined to or through Spongy moth noninfested areas in the United States

If the trees or shrubs from Canada (except greenhouse-grown) are destined for a **noninfested spongy moth area in the United States** or will be moved **through a U.S. noninfested area**, then they must meet the following conditions:

- If the trees or shrubs originated in a Canadian spongy moth infested area, then they **must** be accompanied by a Phytosanitary Certificate issued by the Canadian Food Inspection Agency (CFIA) with an additional declaration confirming either:
  - Trees or shrubs have been inspected and found free of spongy moth
  - , OR

Permit Number: 537-23-128-93586A2

<p>THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE</p> <p><b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b></p>	<p>DATE</p> <p><b>05/15/2023</b></p>
--	--------------------------------------



- Trees or shrubs have been treated for spongy moth in accordance with the PPQ Treatment Manual
- If the trees or shrubs originated in a Canadian spongy moth noninfested area, then they **must** be accompanied by either of the following:
  - Phytosanitary certificate issued by the CFIA with an additional declaration specifying that the trees or shrubs were produced in an area of Canada where the spongy moth is **not** known to occur , OR
  - Phytosanitary certificate issued by the CFIA **without** the additional declaration but with a Certificate of Origin specifying that the trees or shrubs were produced in an area of Canada where spongy moth is **not** known to occur

Spongy moth infested areas in Canada

- Lists and maps of areas in Canada that are known to be infested with spongy moth (*Lymantria dispar dispar*) are available at the Canadian Food Inspection Agency’s website. See the [List of North American Spongy Moth Infested or Suspected Infested Areas of Canada](#).

Spongy moth infested areas in the United States

- A list of areas in the United States that are known to be infested with spongy moth (*Lymantria dispar dispar*) is available at the USDA website. See the [Areas Quarantined in the United States for Spongy Moth](#) page.

9. Growing Media

- All plants for planting at the time of importation into the United States **must be free of sand, soil, earth, and other growing media**, unless meeting an exception to these conditions.
- Exceptions to Growing Media General Restriction
  - APHIS-approved plant taxa in an growing media program <sup>1</sup>
  - Epiphytic plants (including orchid plants) established solely on (see ACIR General Restrictions Reference document) but not in, may be imported on the following growing media:
    - Coconut husks
    - Coconut fiber
    - New clay pots
    - New wooden baskets<sup>2</sup>
    - Tree fern slabs<sup>3</sup>
- Plants growing solely in agar or in other agar-like tissue culture media
- Plants from Canada when meeting Canadian Origin Plants in Growing Media requirements<sup>4</sup>

<sup>1</sup> See ACIR's Plants in Growing Media Program reference document

<sup>2, 3, 4</sup> For complete details see ACIR's General Restrictions reference document

Permit Number: 537-23-128-93586A2

<p>THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE</p> <p><b>APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37</b></p>	<p>DATE</p> <p><b>05/15/2023</b></p>
--	--------------------------------------

## END OF PERMIT CONDITIONS

Permit Number: 537-23-128-93586A2

THIS PERMIT HAS BEEN APPROVED ELECTRONICALLY BY THE  
FOLLOWING PPQ HEADQUARTER OFFICIAL VIA EFILE

**APHIS eFile Automatic Issued Permit Regulated by 7 CFR 319. 37**

DATE

**05/15/2023**

WARNING: Any alteration, forgery or unauthorized use of this Federal Form is subject to civil penalties of up to \$250,000 (7 U.S.C.s 7734(b)) or punishable by a fine of not more than \$10,000, or imprisonment of not more than 5 years, or both (18 U.S.C.s 1001)