

**§ 23.91 How do I find out if a species is listed?**

(a) *CITES list.* The official CITES list includes species of wildlife and plants placed in Appendix I, II, and III in accordance with the provisions of Articles XV and XVI of the Treaty. This list is maintained by the CITES Secretariat based on decisions of the Parties. You may access the official list from the CITES website (see § 23.7).

(b) *Effective date.* Amendments to the CITES list are effective as follows:

(1) Appendix-I and -II species listings adopted at the CoP are effective 90 days after the last day of the CoP, unless otherwise specified in the proposal.

(2) Appendix-I and -II species listings adopted between CoPs by postal procedures are effective 120 days after the Secretariat has communicated comments and recommendations on the listing to the Parties if the Secretariat does not receive an objection to the proposed amendment from a Party.

(3) Appendix-III species listings are effective 90 days after the date the Secretariat has communicated such listings to the Parties. A listing Party may withdraw a species from the list at any time by notifying the Secretariat. The withdrawal is effective 30 days after the Secretariat has communicated the withdrawal to the Parties.

**§ 23.92 Are any wildlife or plants, and their parts, products, or derivatives, exempt?**

(a) All living or dead wildlife and plants in Appendix I, II, and III and all their readily recognizable parts, products, and derivatives must meet the requirements of CITES and this part, except as indicated in paragraphs (b) and (c) of this section.

(b) The following are exempt from the requirements of CITES. You may be required to demonstrate that your specimen qualifies as exempt under this section. For specimens that are exempt from CITES requirements, you must still follow the clearance requirements for wildlife in part 14 of this subchapter and for plants in part 24 of this subchapter and 7 CFR parts 319, 352, and 355.

(1) *Appendix-III wildlife and Appendix-II or -III plants.* (i) Where an annotation designates what is excluded from

CITES requirements, any part, product, or derivative that is specifically excluded.

(ii) Where an annotation designates what is covered by the Treaty, all parts, products, or derivatives that are not designated.

(2) *Plant hybrids.* Specimens of an Appendix-II or -III plant taxon with an annotation that specifically excludes hybrids.

(c) The following are exempt from CITES document requirements when certain criteria are met.

(1) *Plant hybrids.* Seeds and pollen (including pollinia), cut flowers, and flaked seedlings or tissue cultures of hybrids that qualify as artificially propagated (see § 23.64) and that were produced from one or more Appendix-I species or taxa that are not annotated to treat hybrids as Appendix-I specimens.

(2) *Flaked seedlings of Appendix-I orchids.* Flaked seedlings of an Appendix-I orchid species that qualify as artificially propagated (see § 23.64).

(3) *Marine specimens listed in Appendix II that are protected under another treaty, convention, or international agreement which was in force on July 1, 1975* as provided in § 23.39(d).

(4) *Coral sand and coral fragments* as defined in § 23.5.

(5) *Personal and household effects* as provided in § 23.15.

(6) *Urine, feces, and synthetically derived DNA* as provided in § 23.16.

(7) *Certain wildlife hybrids* as provided in § 23.43.

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**PART 24—IMPORTATION AND EXPORTATION OF PLANTS**

**Subpart A—Introduction**

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SOURCE: 49 FR 42941, Oct. 25, 1984, unless otherwise noted.

### Subpart A—Introduction

#### § 24.1 Purpose of regulations.

The regulations contained in this part are for the purpose of establishing ports for the importation, exportation and reexportation of plants.

#### § 24.2 Scope of regulations.

The provisions in this part are in addition to, and do not supersede, other regulations in this chapter. Also, the U.S. Department of Agriculture administers the Plant Quarantine Act, as amended (7 U.S.C. 151 *et seq.*), the Federal Plant Pest Act, as amended (7 U.S.C. 150aa *et seq.*), and the Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 *et seq.*), which contain authority for additional prohibitions and restrictions, including additional port of entry requirements, for the importation or exportation of plants (See 7 CFR chapter III for regulations containing prohibitions and restrictions under these authorities).

### Subpart B—Importation and Exportation at Designated Ports

#### § 24.11 General restrictions.

No person shall import, export, or re-export plants at any place other than at a port designated in 24.12 (hereinafter “designated port”) in accordance with the provisions of this part, unless otherwise specifically authorized by the Service at a nondesignated port in accordance with section 9(f)(1) of the Endangered Species Act of 1973, as amended.

#### § 24.12 Designated ports.

(a) The following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or re-exportation of plants which are listed in 50 CFR 17.12 and/or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 and/or 23:

Nogales, Arizona  
Los Angeles, California  
San Diego, California  
San Francisco, California

Miami, Florida  
Orlando, Florida  
Honolulu, Hawaii  
New Orleans, Louisiana  
Hoboken, New Jersey (Port of New York)  
Jamaica, New York  
San Juan, Puerto Rico  
Brownsville, Texas  
El Paso, Texas  
Houston, Texas  
Seattle, Washington

(b) The U.S. Department of Agriculture ports at Hilo, Hawaii, and Chicago, Illinois, are designated ports for the importation, exportation, or re-exportation of plants of the family Orchidaceae (orchids) which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(c) The U.S. Department of Agriculture ports at Atlanta, Georgia; Chicago, Illinois; Baltimore, Maryland; St. Louis, Missouri; and Milwaukee, Wisconsin; are designated ports for the importation, exportation or reexportation of roots of American ginseng (*Panax quinquefolius*) listed in 50 CFR 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(d) The U.S. Department of Agriculture ports at Detroit and Port Huron, Michigan; Buffalo, New York; Rouses Point, New York; and Blaine, Washington, are designated ports for the importation from Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23, and for the exportation or reexportation to Canada of plants which are listed in 50 CFR 17.12 or 23.23 and which are required to be accompanied by documentation under 50 CFR part 17 or 23.

(e) The U.S. Department of Agriculture ports at Mobile, Alabama; Fort Lauderdale (=Port Everglades), Jacksonville, and Panama City, Florida; Savannah, Georgia; Baltimore, Maryland; Gulfport, Mississippi; Wilmington and Morehead City, North Carolina; Portland, Oregon; Philadelphia, Pennsylvania; Charleston, South Carolina; Laredo, Texas; Norfolk, Virginia; and Vancouver, Washington, are designated ports for the importation of logs and lumber from trees which are listed in the appendices to the Convention on

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(f) The U.S. Department of Agriculture port at Wilmington, North Carolina, is a designated port for the exportation of plants of the species *Dionaea muscipula* (Venus flytrap), which is listed in appendix II to CITES and which is required to be accompanied by documentation under 50 CFR part 23.

(g) All U.S. Customs designated ports of entry on the United States-Canadian border (Customs designated ports of entry are listed in 19 CFR part 101) and the following U.S. Department of Agriculture ports are designated ports for the importation, exportation, or re-exportation of plants not required to be accompanied by documentation under 50 CFR part 17 or 23:

Mobile, Alabama  
Anchorage, Alaska  
Nogales, Arizona  
Phoenix, Arizona  
San Luis, Arizona  
Tucson, Arizona  
Calexico, Arizona  
Los Angeles, California  
San Diego, California  
San Francisco, California  
San Pedro, California  
Denver, Colorado  
Wallingford, Connecticut  
Dover, Delaware (Dover AFB)  
Wilmington, Delaware  
Washington, District of Columbia  
Jacksonville, Florida  
Key West, Florida  
Miami, Florida  
Orlando, Florida  
Pensacola, Florida  
Cape Canaveral, Florida  
Port Everglades, Florida  
Tampa, Florida  
West Palm Beach, Florida  
Atlanta, Georgia  
Savannah, Georgia  
Agana, Guam  
Hilo, Hawaii  
Honolulu, Hawaii  
Wailuku, Maui, Hawaii  
Chicago, Illinois  
Baton Rouge, Louisiana

New Orleans, Louisiana  
Bangor, Maine  
Portland, Maine  
Baltimore, Maryland  
Boston, Massachusetts  
Detroit, Michigan  
Duluth, Minnesota  
St. Paul, Minnesota  
Kansas City, Missouri  
St. Louis, Missouri  
Hoboken, New Jersey  
McGuire AFB, New Jersey  
Albany, New York  
Buffalo, New York  
New York, New York  
Jamaica, New York  
Rouses Point, New York  
Morehead City, North Carolina  
Wilmington, North Carolina  
Cleveland, Ohio  
Astoria, Oregon  
Coos Bay, Oregon  
Portland, Oregon  
Philadelphia, Pennsylvania  
Hato Rey, Puerto Rico  
Mayaguez, Puerto Rico  
Ponce, Puerto Rico  
Roosevelt Roads, Puerto Rico  
San Juan, Puerto Rico  
Warwick, Rhode Island  
Charleston, South Carolina  
Memphis, Tennessee  
Brownsville, Texas  
Corpus Christi, Texas  
Dallas-Ft. Worth, Texas  
Del Rio, Texas  
Eagle Pass, Texas  
El Paso, Texas  
Galveston, Texas  
Hidalgo, Texas  
Houston, Texas  
Laredo, Texas  
Port Arthur, Texas  
Presidio, Texas  
Progreso, Texas  
Roma, Texas  
San Antonio, Texas  
St. Croix, Virgin Islands of the United States  
St. Thomas, Virgin Islands of the United States  
Newport News, Virginia  
Norfolk, Virginia  
Blaine, Washington  
Tacoma, Washington (McChord AFB)  
Seattle, Washington  
Milwaukee, Wisconsin

[49 FR 42941, Oct. 25, 1984, as amended at 55 FR 11920, Mar. 30, 1990; 58 FR 68543, Dec. 28, 1993; 58 FR 14121, Mar. 25, 1994; 59 FR 42775, Aug. 19, 1994; 62 FR 30775, June 5, 1997]