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Description of document: US Customs and Border Protection (CPB) Records regarding mystery seed packages received by Americans in 2020

Requested date: 15-July-2021

Release date: 27-March-2024

Posted date: 11-November-2024

Source of document: CBP FOIA  
1300 Pennsylvania Avenue NW  
Mail Stop 1181  
Washington, DC 20229  
[SecureRelease™ Portal](#)

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March 27, 2024

Sent via email

**Re: FOIA Request Number CBP-2021-084681**

This is a final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP) on July 15, 2021. You are seeking records pertaining to seed packages received by Americans in 2020.

A search of CBP databases produced records responsive to your request. CBP has considered the foreseeable harm standard when reviewing the record set and has applied the FOIA exemptions as required by the statute and the Attorney General's guidance<sup>1</sup>.

CBP has processed 19 pages of records in response to the above-referenced request. All 19 pages are released, in part or in full, pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C), and (b)(7)(E).

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

Additional information regarding the applicable exemptions and response can be found at the following link: <https://www.cbp.gov/document/guidance/exemption-definitions>.

Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

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<sup>1</sup> Department of Justice (DOJ), "Freedom of Information Act Guidelines," March 15, 2022, <https://www.justice.gov/ag/page/file/1483516/download>

March 27, 2024

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This completes the CBP response to your request. You may contact CBP's FOIA Public Liaison, Charlyse Hoskins, by sending an email via your SecureRelease account, mailing a letter to 90 K St, NE MS 1181, Washington DC, 20229 or by calling 202-325-0150. The FOIA Public Liaison is able to assist in advising on the requirements for submitting a request, assist with narrowing the scope of a request, assist in reducing delays by advising the requester on the type of records to request, suggesting agency offices that may have responsive records and receive questions or concerns about the agency's FOIA process. Please notate file number **CBP-2021-084681** on any future correspondence to CBP related to this request.

If you are not satisfied with the response to this request, you have a right to appeal the final disposition. Should you wish to do so, you must file your appeal within 90 days of the date of this letter following the procedures outlined in the DHS regulations at Title 6 C.F.R. §5.8. Please include as much information as possible to help us understand the grounds for your appeal. You should submit your appeal via SecureRelease by creating a Portal account, through FOIA.gov, or you may send your appeal and a copy of this letter to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 90 K Street, NE, 10th Floor, Washington, DC 20229-1177. Your envelope and letter should be marked "FOIA Appeal."

Additionally, you have a right to seek dispute resolution services from the Office of Government Information Services (OGIS) which mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Please note that contacting the CBP FOIA Public Liaison or OGIS **does not** stop the 90-day appeal clock and **is not** a substitute for filing an administrative appeal.

Sincerely,

U.S. Customs and Border Protection/FOIA Division  
Privacy & Diversity Office



**U.S. Customs and  
Border Protection**

July 30, 2020

MEMORANDUM FOR: Directors, Field Operations [redacted]

FROM: Executive Director [redacted] **(b)(6) (b)(7)(C)**  
Agriculture Programs and Trade Liaison  
Office of Field Operations

SUBJECT: Unsolicited Seeds Shipments

The purpose of this memorandum is to provide situational awareness to all U.S. Customs and Border Protection agriculture specialists (CBPAS) and officers (CBPO) regarding shipments of unsolicited seeds arriving at international mail facilities.

Recent media coverage has illustrated that various individuals are receiving suspicious packages in the mail containing various types of seeds. The shipments may be the result of a scamming technique known as “brushing.” Brushing involves shippers operating in foreign countries, mostly notably China, where fake user accounts are created to utilize legitimate contact information. Once shipments have verified delivery, the sellers will exploit the fake accounts to provide positive reviews for their own merchandise. The brushing scam is not exclusive to seeds and may contain other unsolicited merchandise, such as hair ties and key chains.

While the scam is not a new occurrence, it is prolific in the mail environment due to the associated low cost of postage. Advanced electronic data is not submitted for many of these shipments, [redacted] **(b)(7)(E)**

Agriculture Programs and Trade Liaison (APTL) encourages all CBP personnel to remain vigilant when physically sorting and examining international mail packages, especially bulk parcels connected to China with the same customs declaration. Suspect seed shipments should be referred to a CBPAS for further processing and application of appropriate regulatory actions.

Per the United States Department of Agriculture (USDA) stakeholder message, [redacted] **(b)(7)(E)**

[redacted] **(b)(7)(E)**, USDA is requesting that recipients of unsolicited seed shipments, immediately report the parcel to a corresponding State plant regulatory official or an Animal and Plant Health Inspection Service (APHIS), state plant health director.

Should you have any questions regarding this memorandum, please contact [redacted] **(b)(7)(E)** at [redacted] **(b)(7)(E)** or [redacted] **(b)(6) (b)(7)(C)**, a, Branch Chief, at [redacted] **(b)(6) (b)(7)(C)** or via e-mail at [redacted] **(b)(6) (b)(7)(C)**

United States Senate  
WASHINGTON, DC 20510

August 11, 2020

The Honorable Sonny Perdue  
Secretary  
United States Department of Agriculture  
1400 Independence Avenue S.W.  
Washington, DC 20250

Mark A. Morgan  
Acting Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Ave. NW  
Washington, DC 20229

Mr. Louis DeJoy  
Postmaster General and Chief Executive Officer  
United States Postal Service  
475 L'Enfant Plaza, S.W.  
Room 4012  
Washington, D.C. 20260

Dear Secretary Perdue, Acting Commissioner Morgan, and Mr. DeJoy,

Recently, numerous families in Michigan and across the country have received suspicious, unsolicited packages of seeds that appear to be sent from China. We are concerned that these mysterious seeds could potentially harbor foreign invasive species, plant pathogens, or insects that can pose a grave threat to our agricultural economy and the environment. It is vitally important that we prevent any harm to our food supply and agricultural economy.

We appreciate that the U.S. Department of Agriculture (USDA) has taken steps to investigate the seeds and warn individuals not to plant them. We encourage the Department to continue closely monitoring these reports and support public awareness efforts.

It is alarming that the seeds were able to enter the country in the first place, and we urge U.S. Customs and Border Protection (CBP), the United States Postal Service (USPS) and USDA to work together to quickly detect these unsolicited seeds and prevent them from entering the United States.

We ask that you answer the following questions by August 25, 2020.

1. What steps is the federal government taking to investigate the suspicious, unsolicited seeds?
  - a. What are the initial results of your investigation?
2. What steps has the federal government taken to warn individuals not to plant the seeds?
3. How many individuals have been confirmed to have received the unsolicited seeds in the United States?
  - a. In which state(s) were they received?

- b. From where were the seeds mailed?
- 4. How many unsolicited packages of seeds have federal agencies and State departments of agriculture tested?
  - a. What are the results of such tests?
  - b. Have any dangerous coatings or substances been identified on any of the seeds?
- 5. Based on currently available information, what is the origin of the seeds, and what are potential explanations for why they may have been sent?
- 6. How many unsolicited seed packages, as described in the recent press reports, has CBP intercepted?
  - a. What measures is CBP taking to increase its screenings to intercept any such related unsolicited seeds?
- 7. How are USDA, CBP, and USPS coordinating detection and prevention efforts to inhibit potential future deliveries of unsolicited seeds?
- 8. Has the increased prevalence of these seed deliveries triggered an audit or review for this specific class of mail, based on size or origin?
  - a. What regulations exist on when to initiate an audit or review for threats such as these unsolicited mailings?

We appreciate your timely response and thank you for your work on this issue.

Sincerely,

**(b)(6)**

Debbie Stabenow  
United States Senator

**(b)(6)**

Gary C. Peters  
United States Senator

JON TESTER  
MONTANA

COMMITTEES:  
APPROPRIATIONS  
BANKING  
COMMERCE  
INDIAN AFFAIRS  
VETERANS' AFFAIRS

SENATE HARY BUILDING  
SUITE 311  
WASHINGTON, DC 20510  
202-224-2644

tester.senate.gov/contact

## United States Senate

Mark A. Morgan  
Acting Commissioner  
U.S. Customs and Border Patrol  
1300 Pennsylvania Avenue NW  
Washington, DC 20004

Kevin Shea  
Administrator  
Animal and Plant Health Inspection  
Service  
4700 River Road  
Washington, DC 20510

July 28, 2020

Acting Commissioner Morgan and Administrator Shea:

I am reaching out today regarding recent reports that individuals are receiving unsolicited packages of seeds that appear to be from somewhere in China. I urge you to take swift action to identify the source of the seeds and curtail future deliveries to prevent a potential invasive species outbreak.

In the last few days, several states, including Montana, have filed reports of residents receiving unidentifiable and unsolicited packages of seeds in the mail. These seeds bear no markings identifying what kind of plant they may be, and the packages appear to have Chinese writing on them. If folks plant unidentified seeds from abroad, it could lead to an unmanaged invasive species outbreak. Especially in places like Montana, this could be devastating to local wildlife, agriculture, and our public and private lands.

As such, please provide the following information as quickly as possible:

- When are you going to identify what the seeds are and tell the public?
- What protocol is in place to prevent the importation of unsolicited plant matter?
- What specific marking on these packages granted them approval through US Customs?
- Are the buyer and seller of these packages evident from the customs paperwork?
- What official steps and guidance are being given to State Departments of Agriculture and individuals who received packages?
- How do you plan to recall the seeds?
- How are you working to prevent an invasive species outbreak in the cases where individuals may have unknowingly planted the seeds?

I appreciate your prompt attention to this issue, and I urge you to take quick steps to address the origin and impact of these seeds. I look forward to working with you on this important issue.

Sincerely,

**(b)(6)**

Jon Tester

BILLINGS  
(406) 252-0550

BOZEMAN  
(406) 535-4450

BUTTE  
(406) 729-3277

MISSOULA  
(406) 728-3003

GREAT FALLS  
(406) 452-9585

HELENA  
(406) 449-5491

KALISPELL  
(406) 257-3360



**U.S. Customs and  
Border Protection**

October 22, 2020

*Commissioner*

The Honorable Jon Tester  
United States Senate  
Washington, DC 20510

Dear Senator Tester:

Thank you for your July 28, 2020 letter to U.S. Customs and Border Protection (CBP) and to Administrator Kevin Shea of the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) regarding unsolicited packages of seeds that have recently been delivered to U.S. residents.

CBP, Office of Field Operations, Agriculture Programs and Trade Liaison (APTL), is the principal liaison for CBP regarding communication with APHIS, and has been working diligently to investigate and address this evolving situation.

CBP APTL's commitment to protecting the homeland and safeguarding American agriculture against harmful plant pests, pathogens and foreign animal diseases continue to be one of our principal priorities.

I appreciate the opportunity to address your concerns and hope this information is helpful. The enclosure addresses your questions that are under CBP's purview. I understand APHIS officials will respond separately regarding the issues under their purview.

Should you need additional assistance, please do not hesitate to contact me or have a member of your staff contact Stephanie A. Talton, Deputy Assistant Commissioner for the Office of Congressional Affairs, at 202-344-1760.

Sincerely,

**(b)(6) (b)(7)(C)**

Mark A. Morgan  
Chief Operating Officer and  
Senior Official Performing the Duties of the Commissioner

Enclosure



**U.S. Customs and Border Protection (CBP)  
Response to Questions from Senator Tester  
In July 28, 2020 Letter**

**When are you going to identify what the seeds are and tell the public?**

The responsibility for the botanical identification of the seeds resides with U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS). CBP is coordinating with APHIS to ensure any specimens encountered at the International Mail Facilities (IMFs) are forwarded to their staff. Specific identification methodology and subsequent public engagement regarding the identification will be handled by APHIS, as they are the designated National Plant Protection Organization for the United States. Therefore, CBP defers any of the technical components to this question to APHIS for response.

**What protocol is in place to prevent the importation of unsolicited plant matter?**

CBP Agriculture Specialists (CBPAS), staffed at all IMFs, lead efforts with the adjudication and interdiction of regulated, restricted, and/or prohibited agriculture material. Section 421 of the Homeland Security Act provides the CBPAS the authority to adjudicate and interdict, as necessary. CBPAS leverage Title 7 in the Code of Federal Regulations (C.F.R.) Part 351 regarding plant material via IMF and also leverage 7 C.F.R. § 319.37 authority to detect and interdict seeds that are intended for propagation. Typically, these seeds require a phytosanitary certificate and are also subject to requirements of the Federal Seed Act. If encountered seeds or other plant matter fail to meet these requirements, CBPAS seize and destroy the material. CBP Office of Field Operations, Agriculture Programs and Trade Liaison (APTL) (b)(7)(E)

**(b)(7)(E)**

**What specific marking on these packages granted them approval through U.S. Customs?**

**(b)(7)(E)**

**Are the buyer and seller of these packages evident from the customs paperwork?**

(b)(7)(E) However, the majority of packages contain a mail shipping label specific to the country of origin and a customs declaration (CN22/CN23). The UPU CN23 identifies invoices as optional information for export, consequently bad actors and/or persons or entities wishing to circumvent can exploit this requirement by introducing an international mail item for export without an invoice and also choose not to pay an additional fee for electronic tracking of the postal shipment (non-trackable mail parcels).

**What official steps and guidance are being given to State Departments of Agriculture and individuals who received packages?**

APHIS is the principal liaison with the State Departments of Agriculture. Therefore, CBP will defer any details regarding steps and guidance to APHIS.

**How do you plan to recall the seeds?**

In these instances, APHIS has the jurisdiction for recalling the seeds that have already cleared the IMFs. CBP is aware that APHIS is coordinating recall efforts with State Departments of Agriculture.

**How are you working to prevent an invasive species outbreak in the cases where individuals may have unknowingly planted the seeds?**

Similar in nature to the previous question, APHIS has the authority and is taking lead on all domestic components of this situation, to include situations where recipients have already planted the seeds they received.



**U.S. Customs and  
Border Protection**

*Commissioner*

October 22, 2020

The Honorable Gary C. Peters  
United State Senate  
Washington, DC 20510

Dear Senator Peters

Thank you for your August 11, 2020 letter to Secretary Sonny Perdue of the United States Department of Agriculture (USDA), Postmaster General and Chief Executive Officer Louis DeJoy of the United States Postal Service (USPS) and me regarding unsolicited packages of seeds that have recently been delivered to U.S. residents.

U.S. Customs and Border Protection (CBP), Agriculture Programs and Trade Liaison (APTL) is the principal liaison for CBP regarding communication with the USDA, Animal and Plant Health Inspection Service (APHIS), and has been working diligently with them to investigate and address this evolving situation. Please see the enclosed answers to your questions.

Our commitment to protecting the homeland and safeguarding American agriculture against harmful plant pests/pathogens and foreign animal diseases continues to be one of our principle priorities.

I appreciate the opportunity to address your concerns and hope this information is helpful. I understand USDA and USPS officials will respond separately regarding the issues under their purview.

Should you need additional assistance, please do not hesitate to contact me or have a member of your staff contact Stephanie A. Talton, Deputy Assistant Commissioner for the Office of Congressional Affairs, at 202-344-1760.

Sincerely,

**(b)(6) (b)(7)(C)**

Mark A. Morgan  
Chief Operating Officer and  
Senior Official Performing the Duties of the Commissioner

Enclosure



**U.S. Customs and  
Border Protection**

*Commissioner*

October 22, 2020

The Honorable Debbie Stabenow  
United State Senate  
Washington, DC 20510

Dear Senator Stabenow:

Thank you for your August 11, 2020 letter to Secretary Sonny Perdue of the United States Department of Agriculture (USDA), Postmaster General and Chief Executive Officer Louis DeJoy of the United States Postal Service (USPS) and me regarding unsolicited packages of seeds that have recently been delivered to U.S. residents.

U.S. Customs and Border Protection (CBP), Agriculture Programs and Trade Liaison (APTL) is the principal liaison for CBP regarding communication with the USDA, Animal and Plant Health Inspection Service (APHIS), and has been working diligently with them to investigate and address this evolving situation. Please see the enclosed answers to your questions.

Our commitment to protecting the homeland and safeguarding American agriculture against harmful plant pests/pathogens and foreign animal diseases continues to be one of our principle priorities.

I appreciate the opportunity to address your concerns and hope this information is helpful. I understand USDA and USPS officials will respond separately regarding the issues under their purview.

Should you need additional assistance, please do not hesitate to contact me or have a member of your staff contact [redacted (b)(6) (b)(7)(C)] Deputy Assistant Commissioner for the Office of Congressional Affairs, at [redacted (b)(6) (b)(7)(C)].

Sincerely,

[redacted (b)(6) (b)(7)(C)]

Mark A. Morgan  
Chief Operating Officer and  
Senior Official Performing the Duties of the Commissioner

Enclosure

**Response to Questions from  
Senators Debbie Stabenow and Gary Peters  
In August 11, 2020 Letter**

- 1. What steps is the federal government taking to investigate the suspicious, unsolicited seeds? a. What are the initial results of your investigation?**

CBP has adopted a multi-faceted and collaborative approach to investigate these suspicious, unsolicited seeds. (b)(7)(E)

**(b)(7)(E)**

- 2. What steps has the federal government taken to warn individuals not to plant the seeds?**

APHIS has the lead on all external messaging for this issue. CBP defers to APHIS on this response.

- 3. How many individuals have been confirmed to have received the unsolicited seeds in the United States? a. In which state(s) were they received? b. From where were the seeds mailed?**

APHIS is requesting that received seeds be forwarded to them or the local State Plant Regulatory Official. CBP defers to APHIS for this information.

- 4. How many unsolicited packages of seeds have federal agencies and State departments of agriculture tested? a. What are the results of such tests? b. Have any dangerous coatings or substances been identified on any of the seeds?**

The responsibility for the botanical identification of the seeds resides with APHIS. CBP is coordinating with APHIS to ensure any specimens encountered at the International Mail Facilities (IMF) are forwarded to APHIS Botanists. Specific identification methodology and subsequent public engagement regarding the identification is also being handled by APHIS. The Federal Bureau of Investigation (FBI) is investigating this matter and are analyzing some seeds for dangerous coating and substances. Therefore, CBP defers any of the technical components to this question to APHIS or the FBI for response.

5. Based on currently available information, what is the origin of the seeds, and what are potential explanations for why they may have been sent?

**(b)(7)(E)**

6. How many unsolicited seed packages, as described in the recent press reports, has CBP intercepted? a. What measures is CBP taking to increase its screenings to intercept any such related unsolicited seeds?

**(b)(7)(E)**

**(b)(7)(E)**

7. How are USDA, CBP, and USPS coordinating detection and prevention efforts to inhibit potential future deliveries of unsolicited seeds?

**(b)(7)(E)**

**(b)(7)(E)**

**8. Has the increased prevalence of these seed deliveries triggered an audit or review for this specific class of mail, based on size or origin? a. What regulations exist on when to initiate an audit or review for threats such as these unsolicited mailings?**

CBP and APHIS are coordinating and reviewing the contributing factors to this seed issue. To date, no formal auditing mechanisms have been enacted. CBPAS are staffed at all IMF and lead efforts regarding adjudication and interdiction of regulated, restricted, and/or prohibited agriculture material. Section 421(a) of the Homeland Security Act provides CBPAS the regulatory authority for functions relating to agricultural import and entry inspections. More specifically, CBPAS leverage Title 7 in the Code of Federal Regulations (CFR) Part 351 regarding plant material via IMF and 7 CFR 319.37 to detect and interdict seeds that are intended for propagation. Typically, these seeds require a phytosanitary certificate and are also subject to requirements of the Federal Seed Act. If encountered seeds or other plant matter fail to meet these requirements, CBPAS seize, safeguard, and destroy the material.



**U.S. Customs and  
Border Protection**

October 22, 2020

*Commissioner*

The Honorable Charles E. Schumer  
United States Senate  
Washington, DC 20510

Dear Senator Schumer:

Thank you for your September 3, 2020 letter to U.S. Department of Agriculture (USDA) and U.S. Customs and Border Protection (CBP) regarding unsolicited packages of seeds that were recently delivered to individuals and families in New York State and across the country.

As you stated, CBP, Office of Field Operations, Agriculture Programs and Trade Liaison is the principal liaison for CBP regarding communication with the USDA, Animal and Plant Health Inspection Service and has been working diligently with them to investigate and address this evolving situation.

Our commitment to protecting the homeland and safeguarding American agriculture against harmful plant pests/pathogens and foreign animal diseases continues to be one of our principal priorities.

Please see the enclosed answers to your questions.

I appreciate the opportunity to address your concerns and hope this information is helpful. I understand USDA officials will respond separately regarding the issues under their purview.

Should you need additional assistance, please do not hesitate to contact me or have a member of your staff contact [REDACTED] Deputy Assistant Commissioner for the Office of Congressional Affairs, at [REDACTED].

Sincerely,

**(b)(6) (b)(7)(C)**

Mark A. Morgan  
Chief Operating Officer and  
Senior Official Performing the Duties of the Commissioner

Enclosure



Responses to Senator Charles E. Schumer's  
September 3, 2020 Letter

- 1. USDA has indicated the agency is coordinating with its government counterparts in China to help identify the senders of these unsolicited seeds. What progress, if any, has been made by officials in the United States and China to identify the senders, and are measures being put in place to prevent additional shipments of such seeds going forward?**

CBP has adopted a multifaceted and collaborative approach to investigate these suspicious, unsolicited seeds. Applying a layered targeting approach, teams at the (b)(7)(E) (b)(7)(E) have taken an active role to collect and (b)(7)(E)

**(b)(7)(E)**

- 2. It is my understanding that CBP officials are working with USDA to “intercept future packages being shipped to the United States.” Do CBP and USDA have a comprehensive, coordinated inter-agency plan to stop the shipment of unsolicited seeds and other potentially harmful and invasive agricultural products into the United States? If not, will CBP and USDA agree to develop and provide details of such a plan?**

CBP and USDA routinely and extensively collaborate regarding the interdiction of commodities, conveyances, packages, etc., that may have an increased likelihood of transporting regulated, restricted, and/or prohibited materials.

- 3. In mid-August, USDA reported that the agency collected nearly 925 seed packages and received more than 9,000 reports from individuals who received the unsolicited seeds. Can you provide the most up-to-date nationwide numbers, as well as specific data for New York State?**

Animal and Plant Health Inspection Service (APHIS) is requesting that received seeds be forwarded to their assigned State Plant Health Director, or the appropriate State Plant Regulatory Official. CBP defers to APHIS for this information.

- 4. Will USDA, CBP, and other Federal agencies commit to providing the necessary guidance and assistance to State agencies so they are able to effectively address and respond to the shipments of these unsolicited seeds and other potentially harmful and invasive agricultural products to residents in their State?**

Consistent with our authorities, USDA, CBP, and other involved federal agencies will commit to providing the necessary guidance and assistance to State agencies regarding unsolicited seeds and other potentially harmful and invasive agricultural products. CBP personnel routinely communicate and collaborate with APHIS counterparts in their respective areas of responsibility, including in relation to this issue.

United States Senate  
WASHINGTON, DC 20510-3203

September 3, 2020

The Honorable Sonny Perdue  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, DC 20250

The Honorable Mark A. Morgan  
Acting Commissioner  
U.S. Customs and Border Protection  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

Dear Secretary Perdue and Acting Commissioner Morgan:

I write to express my concerns about unsolicited seed packages, many of which appear to have come from China, that were recently shipped to individuals and families in New York State and across the country. Given the potential disruption and harm these seeds may pose to areas like the (b)(7)(E) region in the Hudson Valley, action must be taken to ensure the protection of our local agriculture and food supply, which is even more crucial during the COVID-19 crisis.

It is my understanding that USDA's Animal and Plant Health Inspection Service (APHIS), along with Customs and Border Protection (CBP), other Federal agencies, and States' departments of agriculture, are currently investigating the origin of these mysterious seed packages. I appreciate these actions, as well as the efforts of USDA to warn individuals not to plant the seeds, but additional steps must be taken to prevent such shipments from entering the U.S. in the first place.

While USDA has publicly said no major problems were found in the seed packages from China, the agency also acknowledges that "seeds for planting pose a significant risk for U.S. agriculture and natural resources" because of the potential seed-borne viruses and other diseases they may carry. Additionally, it appears only a small sample of these seed packages have been examined thus far, and noxious weeds and bug larvae have already been discovered among those samples.

Although early evidence indicates these seed shipments are part of a (b)(7)(E)

(b)(7)(E)

I therefore respectfully request answers to the following questions relating to these illegal seed shipments and steps being taken to prevent and intercept such shipments in the future:

1. USDA has indicated the agency is coordinating with its government counterparts in China to help identify the senders of these unsolicited seeds. What progress, if any, has been made by officials in the U.S. and China to identify the senders, and are measures being put in place to prevent additional shipments of such seeds going forward?

2. It is my understanding that CBP officials are working with USDA to “intercept future packages being shipped to the United States.” Do CBP and USDA have a comprehensive, coordinated inter-agency plan to stop the shipment of unsolicited seeds and other potentially harmful and invasive agricultural products into the U.S.? If not, will CBP and USDA agree to develop and provide details of such a plan?
3. In mid-August, USDA reported that the agency collected nearly 925 seed packages and received more than 9,000 reports from individuals who received the unsolicited seeds. Can you provide the most up-to-date nationwide numbers, as well as specific data for New York State?
4. Will USDA, CBP, and other Federal agencies commit to providing the necessary guidance and assistance to State agencies so they are able to effectively address and respond to the shipments of these unsolicited seeds and other potentially harmful and invasive agricultural products to residents in their State?

During this public health emergency, it is imperative that the U.S. government is taking appropriate and necessary action to secure our domestic agriculture and food supply from damaging pests and diseases. Ensuring New York’s farmland and food supply are protected from agricultural threats is a top priority for me and I look forward to hearing about how your agencies plan to prevent potentially dangerous shipments from entering the country in the future.

Thank you for your attention to this important matter.

Sincerely,

**(b)(6)**

Charles E. Schumer  
United States Senator

Good morning,

Recently (b)(7)(E) conducted research in response to the sudden rise of attention in the media regarding reporting on invasive seed shipments.

The following research conducted from **July 1<sup>st</sup>, 2019 - June 30<sup>th</sup>, 2020** from shipments that is manifested. This information does not represent the cumulative of the unmanifested universe:

- (b)(7)(E) recorded interceptions for “unknown seeds” originating from Hong Kong/China (HK/CN) at International Mail Facilities (IMF) nationwide.
  - June 2020: (b)(7)(E) interceptions for propagative seeds.
- (b)(7)(E) total interceptions for “unknown seeds” from all countries, excluding HK/CN.
- An average of (b)(7)(E) interceptions per month, for the past 12 months, for propagative seeds originating from HK/CN.
  - An average of (b)(7)(E) shipments were reported for “unknown seeds”.

\*Please note: CBP is required to report and record all seed interceptions due to regulatory requirements by United States Department of Agriculture

Recent media coverage has illuminated that individuals throughout the country have been receiving suspicious packages in the mail containing various types of undeclared seeds for planting from foreign entities. Concerns are the shipments are linked to a method of scamming in e-commerce; a technique known as “brushing” in which shippers operating in foreign countries, mostly notably China, create fake user accounts utilizing legitimate contact information obtained from online customers. Once these foreign businesses have verified delivery through a legitimate point of sale, the seller will exploit the customers by creating fake accounts using verified shipping information and place fake orders using the phony accounts. This scheme is to boost sellers’ ratings by inflating volume of shipments and providing positive reviews for their own merchandise. The brushing scam is not a novel practice and is not exclusive to shipments of seeds as orders may contain other inexpensive merchandise, such as hair ties and key chains. There is not substantiated evidence that links recorded interceptions made by CBP that those shipments are part of the brushing scam.

While the scam has been going on for at least the past three years, it has had a sudden resurgence likely due to the increase number of online purchasing due to COVID-19 and it is more prolific in the mail environment due to the associated low cost of postage. (b)(7)(E)

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I hope this answers your questions.

Regards,

# Unsolicited and Mystery Seed Shipments

National Agriculture Cargo: (b)(7)(E)

## Issue:

- Recent media coverage has outlined individuals receiving suspicious and unsolicited packages in the mail containing various types of unknown seeds.
- The shipments may be the result of a scamming technique known as “**brushing**.” Shippers operating in foreign countries, mostly notably China, create fake user accounts utilizing legitimate contact information. Once shipments have verified delivery, the sellers will exploit the fake accounts to provide positive reviews for their own merchandise.
- The brushing scam is not exclusive to seeds and may contain other unordered merchandise, such as hair ties and key chains.

## Background:

- The brushing scam is not a new occurrence, within the International Mail Facilities (IMFs). Discussions of unsolicited bulk seed shipments arriving from China occurred in late 2018 through early 2019.
- It is assumed that the scam is prolific in the mail environment due to the associated low cost of postage.
- Intercepted seed shipments in the express consignment environment are relatively low volume mostly originating from China or Hong Kong in the last year.
- Additional information indicates that Chinese based shippers may utilize foreign countries, such as Kyrgyzstan and Singapore, to ship Chinese mail under the foreign country’s mail postage thereby resulting in transshipment packages.

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# Unsolicited and Mystery Seed Shipments

National Agriculture Cargo (b)(7)(E)

## Collaboration Efforts:

- (b)(7)(E)  
(b)(7)(E) collected comprehensive information on possible connected shippers, including multiple addresses associated to two specific entities. Shipments from one of those entities resulted in over two (2) million import shipments.
- The United States Department of Agriculture (USDA) has requested recipients that receive unsolicited packages containing seeds should immediately report the parcel to a corresponding State plant regulatory official or an Animal and Plant Health Inspection Service (APHIS) state plant health director. The collected seeds will be tested to determine if there is a possible threat to American agriculture or the environment.
- (b)(7)(E)  
(b)(7)(E) attempt to determine the seller, and have the seeds properly submitted for identification by USDA identifiers.
- (b)(7)(E)