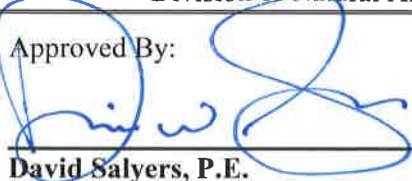


  American Ginseng Program Replacement of Missing and Damaged Export Certificates State of Tennessee Department of Environment and Conservation Division of Natural Areas	Policy Directive: 141 Effective Date: August 1, 2019
Approved By:  David Salyers, P.E. Commissioner	First Issue Date: August 1, 2019 Review/Revised: N/A Attachment: Affidavit of Missing Export Certificate
SUBJECT: Replacement of missing and damaged American Ginseng Export Certificates.	

I. RESPONSIBLE OFFICE:

The Tennessee Department of Environment & Conservation (TDEC), Division of Natural Areas (DNA) is responsible for overseeing this policy.

II. PURPOSE:

The purpose of this policy is to outline the process for replacing an American Ginseng Export Certificate when the original, is damaged, destroyed, or lost.

III. DISCLAIMER.

The guidelines under this policy are a basis for internal administrative review and guidance only. They are not intended to, do not, and may not be relied upon to create any substantive or procedural rights.

IV. BACKGROUND

TDEC DNA is responsible for overseeing the American Ginseng Program. Recently, TDEC DNA received a request to replace a lost American Ginseng Export Certificate. While it is rare for an American Ginseng Export Certificate to be damaged, destroyed, or lost, a policy outlining the process for replacement was needed.

V. SCOPE:

This Policy applies to registered Tennessee Ginseng Dealers and TDEC DNA staff.

VI. AUTHORITY:

Tennessee Code Annotated § 62-28-101, et seq., and TDEC Rules 0400-06-01, *et seq.*

VII. POLICY:

a. Duty to maintain Records

Dealers are required to retain clear copies, including the canary copy of the American Ginseng export certificate, of all records related to ginseng purchases, sales and shipments for at least three years. While a rarity, an American Ginseng Export Certificate may become damaged, lost or destroyed.

b. Lost and Damaged Documents

- i. While a rarity, an American Ginseng Export Certificate may become damaged, lost or destroyed for numerous reasons. These include Certificates being lost in transit or shipment, Certificates being destroyed or damaged in natural or man-made disasters, and Certificates being stolen. This list of reasons is not exhaustive.
- ii. Often with natural or man-made disasters, which include fire and flooding, the files themselves are destroyed. Few dealers store their files in filing cabinets, much less fire-resistant storage. Further, ginseng attracts rodents. If documents are stored near ginseng, the documents may provide nesting material. This is a higher risk for dealers that hold-over certified root from one year to the next.

c. Replacement of Export Certificate when original is damaged

- i. When a dealer notifies TDEC DNA of a damaged Export Certificate the procedure is:
 1. The dealer presents the white, original and canary non-carbon copy of the Export Certificate to TDEC DNA;
 2. TDEC DNA attempts to match up the white and canary copies with the pink and/or goldenrod copy in TDEC DNA files;
 3. TDEC DNA marks "void" on the original white copy and all colored copies of the original Export Certificate;
 4. TDEC DNA issues a new Export Certificate; and,
 5. files all copies of the voided Export Certificate in the dealer's TDEC DNA file.

- d. Replacement of Export Certificate when original is lost or destroyed
 - i. The attached “Affidavit of Missing Export Certificate” is for use when the original Export Certificate is destroyed or lost.
 - ii. When a dealer notifies TDEC DNA of a destroyed or lost original Export Certificate the procedure is:
 - 1. TDEC DNA provides a copy of the “Affidavit of Missing Export Certificate” to the dealer for completion, with further instructions to provide additional documentation of the destruction or loss of the original. This documentation may include, but is not limited to, insurance claims, fire or police reports, etc. A dealer should also provide the canary copy of the export certificate, if it is available.
 - 2. If the Export Certificate originated with another dealer, proof of the purchase, typically a Tennessee Ginseng Purchase Record (Receipt), from that dealer must also be provided to document the transaction and transfer of the Export Certificate.
 - 3. The Affidavit of Missing Export Certificate, once completed, must be notarized. Note that our goal is to determine we are not re-certifying the same paperwork for new root. While we are issuing a duplicate certification, we must do due diligence to only certify the same ginseng again. We do not want a situation where a falsified statement is made where undocumented ginseng is simply being laundered (out-of-season harvest) or a dealer attempting to bypass certification fees.
 - 4. Once the notarized Affidavit of Missing Export is received, along with supporting documents and the canary copy of the original Export Certificate (if available), TDEC DNA issues a new certificate. Along the top of the new Export Certificate TDEC DNA makes a notation that this certificate is replacing the lost Export Certificate number.
 - 5. TDEC DNA files the Affidavit of Missing Export and all supporting documents in the dealer’s TDEC DNA file.
 - 6. TDEC DNA will then provide the appropriate authorities at United States Fish and Wildlife Services (USFWS) International Affairs Division of Management Authority (DMA) and Office of Law Enforcement (LE) and United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) with a notice of the Export Certificate rendered invalid and the new replacement Export Certificate number.