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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

ED

In re:)	P.Q. Docket No. 08-0045
)	
CMA CGM (America), Inc., and)	
DFDS Transport, Inc.,)	
)	
)	Consent Decision and Order
Respondents.)	

This proceeding was instituted under the Plant Protection Act (7 U.S.C. § 7701 et seq.)(the Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondents violated the Act. The complainant and CMA CGM (America), LLC, the successor corporation to respondent CMA CGM (America), Inc., have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, CMA CGM (America), LLC, the successor corporation to respondent CMA CGM (America), Inc., specifically agrees that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and agrees to the Findings of Fact set forth below.

CMA CGM (America), LLC, the successor corporation to respondent CMA CGM (America), Inc., waives:

- (a) Any further procedure in connection with this proceeding;

(b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;

(c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and

(d) Any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the respondent in connection with this proceeding.

Complainant, United States Department of Agriculture, as part of this Consent Decision, agrees to forego any further action or claim against CMA CGM (America), LLC, and its predecessor, affiliated, subsidiary, and parent corporations arising out of the facts and allegations enumerated in this complaint.

Findings of Fact

1. At all times relevant to the complaint filed herein, respondent CMA CGM (America), Inc., was an ocean common carrier that moved shipboard cargo in international commerce. On January 1, 2008, CMA CGM (America), Inc., changed its name to CMA CGM (America), LLC. The respondent is incorporated in the State of New Jersey and has a business address of 5701 Lake Wright Drive, Norfolk, Virginia 23502.

2. On or about January 20, 2003, shipping containers CLHU8322345, CLHU8341514, and ECMU9054999, containing hydraulic machinery and parts from England, were moved from the Port of Savannah.

3. On or about January 22, 2004, shipping container CLHU2738783, containing ceramic tile from Italy, was moved from the Port of Savannah.

4. On or about February 16, 2005, shipping container ECMU1486471, which had been loaded in Hong Kong and had soil adhering to its exterior, entered the United States at the Port of Savannah.

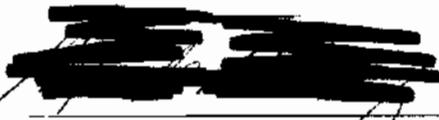
Conclusions

CMA CGM (America), LLC, the successor corporation to respondent CMA CGM (America), Inc., has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

CMA CGM (America), LLC, the successor corporation to respondent CMA CGM (America), Inc., is assessed a civil penalty of fifteen thousand dollars (\$15,000.00). CMA CGM (America), LLC, shall send a certified check or money order for fifteen thousand dollars (\$15,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minncapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding.

This Order shall become effective when served on the respondent.


CMA CGM (AMERICA), LLC
for Respondent CMA CGM (AMERICA),
INC.


THOMAS BOLICK
Attorney for the Complainant

Issued this 26th day of March, 2008
at Washington, D.C.


Administrative Law Judge