

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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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 DSV Air & Sea, Inc., the successor corporation to respondent DFDS Transport, Inc., have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, DSV Air & Sea, Inc., the successor corporation to respondent DFDS Transport, Inc., specifically admits 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 admits to the Findings of Fact set forth below.

DSV Air & Sea, Inc., the successor corporation to respondent DFDS Transport, 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 DSV Air & Sea, Inc., 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, DFDS Transport, Inc., was a non-vessel operating common carrier that is incorporated in the State of Delaware and has a business address of 2425 E. Landstreet Road, Suite 100, Orlando, Florida 32824. On January 1, 2007, respondent DFDS Transport, Inc., changed its name to DSV Air & Sea, Inc.

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

Conclusions

DSV Air & Sea, Inc., the successor corporation to respondent DFDS Transport, 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.

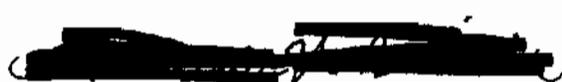
Order

DSV Air & Sea, Inc., the successor corporation to respondent DFDS Transport, Inc., is assessed a civil penalty of one thousand two hundred and fifty dollars (\$1,250.00). The respondent shall send a certified check or money order for one thousand two hundred and fifty dollars (\$1,250.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, 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.



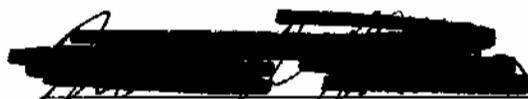
DSV AIR & SEA, INC.,
for DFDS TRANSPORT, INC.,
Respondent



THOMAS N. BOLICK
Attorney for Complainant

Issued this 12th day of March, 2008

at Washington, D.C.



Administrative Law Judge