

**Meeting of the States Parties to the Convention
on the Prohibition of the Development,
Production and Stockpiling of Bacteriological
(Biological) and Toxin Weapons and on Their
Destruction**

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Exploration of means to prepare for, respond to and render assistance in case of the possible hostile use of biological agents and toxins against agriculture, livestock as well as the natural environment

Lessons Learned in International Cooperation and Assistance from an Agricultural Incident

Submitted by the United States

Summary

A recent incident in which numerous U.S. citizens received unsolicited seed shipments that were not compliant with import requirements demonstrated the vulnerability of agriculture and the environment, a critical economic sector, to naturally occurring or deliberate threats. Through close communication and collaboration with international partners and outreach to private industry, the United States was able to quickly determine the nature and extent of this incident and minimize its impact. This international collaboration and assistance could provide a valuable model for how to proceed in future agricultural incidents, and the unsolicited seeds event offers a number of lessons learned for how the international community should respond to such events.

I. Introduction

1. Our modern international system is built upon interconnected global commerce. Agriculture plays a vital role in this system, from sustaining life to defining economies. Unlike many other commodities, agriculture is extremely vulnerable to biological weapons; not just those directed at human health, but also those directed at plant and/or animal health. This unique combination of vulnerabilities has driven the States Parties to the Biological Weapons Convention to use the current Intersessional Programme to focus on, *inter alia*, the exploration of means to prepare for, respond to, and render

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assistance in case of the possible hostile use of biological agents and toxins as weapons against agriculture, livestock, and the natural environment. The United States highlighted the importance of this focus in our 2019 working paper, “An integrated approach to preparedness, detection, and response to agricultural threats: The experience of the United States” ([BWC/MSP/2019/MX.4/WP.1](#)). In that paper, the United States elucidated the importance of agriculture and depicted our capabilities to prepare for and respond to an agricultural incident, be it natural, accidental, or deliberate. Yet we cannot depend on our national capabilities alone; an agricultural biological incident will require successful international cooperation and assistance, as recent events have demonstrated.

2. During the summer of 2020, tens of thousands of U.S. citizens began to receive unsolicited packages in the mail containing mystery seeds, often mislabeled, which originated from overseas. With the assistance of international partners, the United States was able to slow down the incoming deluge of packages, determine the nature and extent of the event, and share lessons and information within our own interagency as well as with the international community. This event was ultimately determined to be a “brushing scheme”—a technique used by unscrupulous online retailers to boost their rankings; however, should there be an incident in the future, whether malicious or not, the lessons learned regarding international cooperation and assistance throughout the unsolicited seeds response have set a positive foundation to build upon.

II. International Agricultural Incident: Response and Assistance

3. In the early summer of 2020, sporadic reports began to surface within the United States of citizens receiving unsolicited packages of seeds in the mail. These packages were non-descript, often mislabeled as jewelry, and originating from outside the country. Within two months of the first reporting, all 50 U.S. states, the District of Columbia, and Puerto Rico (a U.S. territory) reported citizens receiving such unsolicited packages. This unusual development raised concerns about the source and intent of the activity. United States residents received, in total, over 35,000 packages of unsolicited seeds. While a few of the packages did contain noxious weed seeds or seeds of prohibited plants, the vast majority of the packages were deemed to be seeds of standard plant varieties found within the United States. Even though few seed shipments contained quarantine pests, pathogens, or Federal Noxious Weeds (defined as organisms with potential economic impact that are not indigenous to or present in the United States), the vast majority were not compliant with United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) import requirements.

4. When U.S. citizens first began to report receiving these unsolicited seeds packages, USDA reached out to our international partners to determine if any other countries had received similar packages. By August 5, 2020, the United States discovered that the United Kingdom, Australia, Canada, New Zealand, Japan, Korea, and others had also received unsolicited seeds packages. USDA immediately reached out to Australia, Canada, New Zealand, and the United Kingdom, who agreed to work collaboratively with

the United States on this issue. USDA subsequently began similar engagement with the European Union, Japan, and Korea.

5. While not all unsolicited seeds packages came from the same country, a majority of the packages did originate from a single country. In August 2020, USDA APHIS began working with counterparts in that country to investigate the unsolicited seed package issue and requested that relevant authorities increase spot checks of cargo leaving for the United States to ensure compliance with requirements for prohibited and regulated products.

6. After an investigation into the incident, USDA APHIS has found no evidence that any entity or individual was intentionally trying to harm U.S. agriculture with these shipments. In fact, USDA APHIS found no correlation between where the seeds were sent and the locations of U.S. critical agriculture infrastructure. APHIS officials believe the unsolicited packages are part of an internet “brushing scam.” Sellers carrying out brushing scams will often ship inexpensive items to increase transactions. The more transactions a seller completes, the higher their rating and the more likely that their items will appear at the top of search results on an e-commerce site. (The shipping of inexpensive items occurs because e-commerce sites have implemented safeguards to avoid spoofing or fake transactions.) It is important for all State Parties to note that plants and seeds for planting purchased online from other countries can pose a significant risk to their nation’s agriculture and natural resources if these transactions are not conducted in accordance with relevant regulations.

7. To further address this situation, USDA has begun outreach to e-commerce companies and allied nations to develop a long-term solution. USDA APHIS worked with e-commerce companies to remove the online sellers that are participating in the illegal import of propagative materials, including seeds. The agency also worked with e-commerce companies to ensure they, and the sellers who use their platforms, are complying with USDA import regulations.

8. USDA APHIS worked closely with online retailer Amazon, engaging them early in the process to discuss steps that the company might be able to take to address prohibited seeds from being sold on their website. This also involved discussion of third-party sellers that advertise on Amazon’s website. These discussions ultimately resulted in an update to the company’s user agreements to prohibit the sale of seeds imported from outside the United States. Amazon’s new policy lists examples of what was prohibited, including plants, plant products, and seeds that meet specific conditions. USDA APHIS also worked with eBay to develop similar policies. Shortly after the implementation of these policies, USDA APHIS noticed a drastic decrease in reporting of the receipt of unsolicited seed packages.

9. USDA APHIS worked with various trading partners to discuss the unsolicited seeds issue, to share information related to the unprecedented magnitude of the incident, and, after identifying the incident as a brushing scheme, and to share the above e-commerce practices to support global safeguarding from a future incident. USDA APHIS has generated international awareness of such brushing schemes and consensus that e-commerce must be addressed as a potential pathway for the spread of invasive plant pests. This awareness and engagement included the Plant Health

Quadrilaterals (Quads, a strategic coalition composed of the national plant protection organizations of Australia, Canada, New Zealand, and the United States) and the International Plant Protection Convention (IPPC), an intergovernmental treaty signed by over 180 countries.

10. In early 2021, the IPPC's Commission on Phytosanitary Measures formally adopted the 2020-2030 IPPC Strategic Framework, and e-commerce is one of eight major initiatives that the international plant health community has identified for action and attention over the next ten years. This strategic objective will focus on a coordinated international effort to address the spread of pests and pest host material sold through e-commerce and distributed through postal mail and courier pathways. The IPPC has tasked a working group with drafting an e-commerce guide for plants, plant products, and other regulated articles.

III. Conclusion

11. The United States supports the Biological Weapons Convention's efforts to develop means to prepare for, respond to, and render assistance in case of the possible hostile use of biological agents and toxins against agriculture, livestock, and the natural environment. The United States urges States Parties to continue this focus moving forward. As exemplified through the case study of the unsolicited seeds incident, our nations are all vulnerable to an agricultural incident. The nations involved in 2020 were fortunate that this incident proved to be only a brushing scam. Should the international community ever experience a deliberate attack on our shared agricultural sectors, the lessons learned from this incident and the policies that have been put in place could mitigate the attack's potential severity.

12. The cooperation and assistance that the international community demonstrated in response to the unsolicited seeds incident is an encouraging sign and a valuable model. Without the communications and assistance from our fellow States Parties, the United States might not have been able to determine the root cause of the incident or drastically reduce the number of shipments of unsolicited seeds within months. It was the combined efforts of the United States and our partners, working diligently with major international e-commerce companies, that led to solutions and processes that will better protect the international community from incidents like this in the future.
