AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

or salted and moist) from Sudan or India;

(4) Plant gums shipped as bulk cargo (in an unpackaged state) if from a country listed in paragraph (b) of this section;

(5) Used jute or burlap bagging not containing cargo if from a country listed in paragraph (b) of this section;[3]

(6) Used jute or burlap bagging from a country listed in paragraph (b) of this section that contains cargo, and the cargo in such bagging;[3]

(7) Used jute or burlap bagging from a country listed in paragraph (b) of this section that is used as a packing material (such as filler, wrapping, ties, lining, matting, moisture retention material, or protection material), and the cargo for which the used jute or burlap bagging is used as a packing material;[3] and

(8) Whole chilies (*Capsicum* spp.), whole red peppers (*Capsimcum* spp.), and cumin seeds (*Cuminum cyminum*) in new jute or burlap bags from Pakistan.

(b) Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Sri Lanka, Sudan, Syria, Tunisia, Turkey, and Upper Volta.

[50 FR 8706, Mar. 5, 1985]

§ 319.75–3 Permits.

(a) A restricted article may be imported only after issuance of a written permit by Plant Protection and Quarantine.

(b) An application for a written permit should be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737–1236, at least 60 days prior to arrival of the article at the port of entry. The completed application shall include the following information:[4]

(1) Name, address, and telephone number of the importer;

(2) Approximate quantity and kinds of articles intended to be imported;

(3) Country or locality of origin;

(4) Country(ies) or locality(ies) where it is intended to be off-loaded prior to arrival in the United States;

(5) Intended U.S. port of entry;

(6) Means of transportation; and

(7) Expected date of arrival.

(c) After receipt and review of the application by Plant Protection and Quarantine, a written permit indicating the applicable conditions in this subpart for importation under this subpart shall be issued for the importation of articles specified in the application if such articles described in the application appear to be eligible to be imported. Even though a written permit has been issued for the importation of an article, such article may be moved into the United States from the port of entry only if all applicable requirements of this subpart are met and only if an inspector at the port of entry determines that no emergency measures pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) are necessary with respect to such article.[5]

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he/she determines that the holder thereof has

[3] Such bagging may be subject to additional restrictions under the provisions in 7 CFR 319.8 *et seq.*

[4] Application forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737–1236, or local offices which are listed in telephone directories.

[5] Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, dispose of, in such manner as he deems appropriate, subject to provisions in section 105 (b) and (c) of the Act (7 U.S.C. 150dd (b) and (c)), any product or article, including any article subject to this subpart, which is moving into or through the United States, and which he has reason to believe was infested or infected by or contains any plant pest at the time of such movement. Sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff) also authorize emergency measures against restricted articles which are not in compliance with the provisions of this subpart.

not complied with any condition for the use of the document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for the decision as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

(Approved by the Office of Management and Budget under control number 0579–0049)

(44 U.S.C. 35)

[46 FR 38334, July 27, 1981, as amended at 47 FR 3085, Jan. 22, 1982; 48 FR 57466, Dec. 30, 1983; 49 FR 1876, Jan. 16, 1984; 50 FR 8706, Mar. 5, 1985; 59 FR 67610, Dec. 30, 1994]

§ 319.75–4 Treatments.[6]

A restricted article prior to movement into the United States from the port of entry shall be treated under the supervision of an inspector for possible infestation with khapra beetle as set forth below:

(a) Brassware; wooden screens; goatskins; lambskins; sheepskins; plant gums; seeds of the plant family cucurbitaceae; jute or burlap bagging that contains cargo, and the cargo in such bagging (except for articles specified in paragraphs (b) and (c) of this section); and jute or burlap bagging that is used as a packing material, and the cargo for which the jute or burlap bagging is used as a packing material (except for articles specified in paragraphs (b) and (c) of this section).

(1) Fumigation with methyl bromide under a tarpaulin at normal atmospheric pressure in accordance with one of the following schedules:

(i) *40 g/m³ (2½a lb/1000 ft³) for 12 hrs. at 32° C (90° F) or above.*

(20 g (oz) minimum gas concentration at 2–4 hrs.).
(15 g (oz) minimum gas concentration at 12 hrs.).

(ii) *56 g/m³ (3½ lb/1000 ft³) for 12 hrs. at 26.5°–31.5 ° C (80°–89°F).*

(30 g (oz) minimum gas concentration at 2–4 hrs.).
(20 g (oz) minimum gas concentration at 12 hrs.).

(iii) *72 g/m³ (4½ lb/1000 ft³) for 12 hrs. at 21°–26° C (70°–79° F).*

(40 g (oz) minimum gas concentration at 2–4 hrs.).
(25 g (oz) minimum gas concentration at 12 hrs.).

(iv) *96 g/m³ (6 lb/1000 ft³) for 12 hrs. at 15.5°–20.5° C (60°–69° F).*

(50 g (oz) minimum gas concentration at 2–4 hrs.).
(30 g (oz) minimum gas concentration at 12 hrs.).

(v) *120 g/m³ (7½ lb/1000 ft³) for 12 hrs. at 10°–15° C (50°–59° F).*

(60 g (oz) minimum gas concentration at 2–4 hrs.).
(35 g (oz) minimum gas concentration at 12 hrs.).

(vi) *144 g/m³ (9 lb/1000 ft³) for 12 hrs. at 4.5°–9.5° C (40°–49° F).*

(70 g (oz) minimum gas concentration at 2–4 hrs.).
(40 g (oz) minimum gas concentration at 12 hrs.).

(2) Fumigation with methyl bromide in a chamber at normal atmospheric pressure at one of the following schedules:

(i) *40 g/m³ (2½ lb/1000 ft³) for 12 hrs. at 32° C (90° F) or above.*

(ii) *56 g/m³ (3½ lb/1000 ft³) for 12 hrs. at 26.5°–31.5 ° C (80°–89°F).*

(iii) *72 g/m³ (4½ lb/1000 ft³) for 12 hrs. at 21°–26° C (70°–79° F).*

(iv) *96 g/m³ (6 lb/1000 ft³) for 12 hrs. at 15.5°–20.5° C (60°–69° F).*

(v) *160 g/m³ (10 lb/1000 ft³) for 12 hrs. at 10°–15° C (50°–59° F).*

(vi) *192 g/m³ (12 lb/1000 ft³) for 12 hrs. at 4.5°–9.5° C (40°–49° F).*

(3) Fumigation with methyl bromide in a chamber at 660mm (26 inch) vacuum at one of the following schedules:

(i) *128 g/m³ (2½ lb/1000 ft³) for 3 hrs. at 15.5° C (60°F) or above.*

(ii) *144 g/m³ (9 lb/1000 ft³) for 3 hrs. at 4.5°–15° C (40°–59° F).*

[6] There is a possibility that some articles, especially live plants, could be damaged by fumigation.