

**Subpart—Foreign Potatoes****§ 321.1 Order.**

(a) The Secretary of Agriculture, under authority conferred by section 5 of the act of Congress approved August 20, 1912, known as the Plant Quarantine Act (37 Stat. 316; 7 U.S.C. 159), does hereby determine and declare that, on and after January 15, 1914, potatoes imported or offered for import into the United States shall be subject to all the provisions of sections 1, 2, 3, and 4 of said act of Congress.

(b) As used in this part, unless the context otherwise requires, the term *United States* means the States, the District of Columbia, Guam, Puerto Rico, and the Virgin Islands of the United States.

[24 FR 10824, Dec. 29, 1959, as amended at 30 FR 14551, Nov. 23, 1965]

## IMPORTATION OF POTATOES

**§ 321.2 Definitions.**

*Potato.* Tuber of the common or Irish potato (*Solanum tuberosum*) and any botanical varieties or horticultural forms thereof, or any other tuber-producing species of the genus *Solanum* and any botanical varieties or horticultural forms of such species.

[56 FR 19791, Apr. 30, 1991, as amended at 57 FR 334, Jan. 6, 1992; 57 FR 55053, Nov. 24, 1992; 57 FR 62468, Dec. 31, 1992; 58 FR 11958, Mar. 2, 1993; 59 FR 9918, Mar. 2, 1994]

**§ 321.3 General conditions governing potato importations.**

(a) Except as provided under §§ 321.8 and 321.9, potatoes will be admitted from any country when it is determined by such field inspection as shall be approved as adequate by the Plant Protection and Quarantine Programs that such country is free from potato wart and other injurious potato diseases and insect pests new to or not widely prevalent or distributed within and throughout the United States, and such country must further agree to examine and certify all potatoes offered for export in compliance with the regulations in this subpart: *Provided*, That the entry of potatoes will not be permitted from any country unless such country has an effective quarantine prohibiting the entry into such coun-

try of potatoes from any country known to be invaded by the potato wart or other injurious potato diseases or insect pests new to or not widely prevalent or distributed within and throughout the United States: *Provided further*, That the restrictions in this subpart shall not apply to the importation of potatoes into Guam, but such importations are subject to the requirements of § 319.56-2.

(b) Entry of potatoes will not be allowed unless the invoice is accompanied by an original certificate and unless each container bears a copy certificate in accordance with § 321.6.

(c) Potatoes will be admitted into the United States only through the port designated in the permit.

(d) The entry of potatoes will not be permitted except where the shipments pass directly from the country of origin to the port of entry in the United States: *Provided*, That when transshipment is necessary at a port of a country under quarantine such transshipment shall be made by lighters from boat to boat in the harbor without landing the potatoes, and the consular invoice of place of origin must follow the shipment from original port of departure to the port of entry in the United States.

(e) No shipment of potatoes will be permitted entry until it has been examined by an inspector of the Department of Agriculture and found or believed to be free from the potato wart and other injurious potato diseases and insect pests.

(f) Shipments of potatoes certified as provided herein found to be infested with potato wart or other injurious potato diseases, or with insect pests, will be refused entry.

(g) All charges for storage, cartage, and labor incident to inspection other than the services of inspectors, shall be paid by the importer.

(h) Except in case of bulk shipments, potatoes shall be contained only in bags, boxes, barrels, or other containers that have not previously been used for potatoes.

[24 FR 10824, Dec. 29, 1959, as amended at 56 FR 19791, Apr. 30, 1991]