

cancellation of a compliance agreement.

(5) Where a compliance agreement is denied or cancelled, regulated garbage may continue to be unloaded from a means of conveyance and disposed of at an approved facility in accordance with § 330.400(g)(1).

(Approved by the Office of Management and Budget under control number 0579-0054.)

[39 FR 32320, Sept. 6, 1974, as amended at 43 FR 39954, Sept. 8, 1978; 45 FR 80268, Dec. 4, 1980; 48 FR 57466, Dec. 30, 1983; 58 FR 66248, Dec. 20, 1993]

PART 331—PLANT PEST REGULATIONS GOVERNING INTERSTATE MOVEMENT OF CERTAIN PRODUCTS AND ARTICLES [RESERVED]

PART 340—INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS

Sec.

340.0 Restrictions on the introduction of regulated articles.

340.1 Definitions.

340.2 Groups of organisms which are or contain plant pests and exemptions.

340.3 Notification for the introduction of certain regulated articles.

340.4 Permits for the introduction of a regulated article.

340.5 Petition to amend the list of organisms.

340.6 Petition for determination of nonregulated status.

340.7 Marking and identity.

340.8 Container requirements for the movement of regulated articles.

340.9 Cost and charges.

AUTHORITY: 7 U.S.C. 150aa-150jj, 151-167, and 1622n; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(c).

SOURCE: 52 FR 22908, June 16, 1987, unless otherwise noted.

§ 340.0 Restrictions on the introduction of regulated articles.

(a) No person shall introduce any regulated article unless the Director, BBEP, is:

(1) Notified of the introduction in accordance with § 340.3, or such introduc-

tion is authorized by permit in accordance with § 340.4, or such introduction is conditionally exempt from permit requirements under § 340.2(b); and

(2) Such introduction is in conformity with all other applicable restrictions in this part.¹

(b) Any regulated article introduced not in compliance with the requirements of this part shall be subject to the immediate application of such remedial measures or safeguards as an inspector determines necessary to prevent the introduction of such plant pests.²

[52 FR 22908, June 16, 1987, as amended at 58 FR 17056, Mar. 31, 1993]

§ 340.1 Definitions.

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed, respectively, to mean:

Animal and Plant Health Inspection Service (APHIS). An agency of the United States Department of Agriculture.

Courtesy permit. A written permit issued by the Director, BBEP, in accordance with § 340.4(h).

¹Part 340 regulates, among other things, the introduction of organisms and products altered or produced through genetic engineering which are plant pests or which there is reason to believe are plant pests. The introduction into the United States of such articles may be subject to other regulations promulgated under the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*), the Plant Quarantine Act (7 U.S.C. 151 *et seq.*) and the Federal Noxious Weed Act (7 U.S.C. 2801 *et seq.*) and found in 7 CFR parts 319, 321, 330, and 360. For example under regulations promulgated in 7 CFR "Subpart-Nursery Stock" (7 CFR 319.37) a permit is required for the importation of certain classes of nursery stock whether genetically engineered or not. Thus, a person should consult those regulations prior to the importation of any nursery stock.

²Pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) the Secretary of Agriculture is authorized to order prompt removal from the United States or to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of, in such manner as the Secretary deems appropriate, certain regulated articles which are believed to be infested or infected by or contain a plant pest.