

§ 331.2

§ 331.2 List of biological agents and toxins.

The biological agents and toxins listed in this section have been determined to have the potential to pose a severe threat to plant health or to the production and marketability of plant products. Any person who possesses any listed agent or toxin or, in the case of a listed disease, the causative agent of that disease, must notify the Animal and Plant Health Inspection Service of that possession in accordance with § 331.3.

Liberobacter africanus, *Liberobacter asiaticus*
Peronosclerospora philippinensis
Phakopsora pachyrhizi
Plum pox potyvirus
Ralstonia solanacearum Race 3
Sclerophthora rayssiae var. *zeae*
Synchytrium endobioticum
Xanthomonas oryzae pv. *oryzicola*
Xylella fastidiosa (citrus variegated chlorosis strain)

§ 331.3 Notification requirements and procedures.

(a) Any person or facility that possesses any biological agent or toxin listed in § 331.2 must notify the Animal and Plant Health Inspection Service (APHIS) of such possession by October 11, 2002. Notice must be provided using Plant Protection and Quarantine (PPQ) form 655, which may be obtained by calling PPQ at (301) 734-8896. The form is also available on the Internet at <http://www.aphis.usda.gov/ppq/permits>.

(b) Each facility should designate a responsible facility official to complete PPQ form 655, and a single form that reflects all listed agents and toxins possessed by all persons within the facility should be submitted for each facility. The responsible facility official for each facility should consult with others in the facility (*e.g.*, principal investigators) in order to obtain the information necessary to complete the notification form. The responsible facility official must review and sign the notification form and will be the individual contacted by APHIS if any questions arise concerning the facility's response.

(c) Completed forms must be mailed to: U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Permits and Risk Assessment,

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4700 River Road Unit 133, Riverdale, Md 20737-1236.

(d) Assistance in completing the form may be requested by calling (301) 734-8896.

(Approved by the Office of Management and Budget under control number 0579-0204)

EFFECTIVE DATE NOTE: At 67 FR 76925, Dec. 13, 2002, part 331 was revised, effective Feb. 11, 2003. For the convenience of the user, the revised text follows:

PART 331—POSSESSION, USE, AND TRANSFER OF BIOLOGICAL AGENTS AND TOXINS

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- 331.15 Inspections.
- 331.16 Notification in the event of theft, loss, or release of a biological agent or toxin.
- 331.17 Administrative review.

AUTHORITY: Secs. 211-213, Title II, Pub. L. 107-188, 116 Stat. 647 (7 U.S.C. 8401).

§ 331.0 Effective and applicability dates.

The regulations in this part are effective on February 11, 2003. On and after that date, any person possessing, using, or transferring any agent or toxin listed in § 331.3 must be in compliance with the provisions of this part. However, so as not to disrupt research or educational projects involving listed agents or toxins that were underway as of the effective date of this part, any person possessing such agents or toxins as of the effective date (current possessors) will be afforded additional time to reach full compliance with this part. Any provision not specifically cited in paragraphs (a) through (f) of this section will be applicable as of February 11, 2003. In addition, any individual or entity who does not possess listed agents or toxins by the effective date of this part, but who wishes to initiate a research or educational project prior to November 12, 2003, must be