

Agricultural Marketing Service, USDA

§ 29.405

any and all end users of imported flue-cured or burley tobacco.

(n) *Pesticide*. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(o) *Pesticide certification*. A document issued by the Tobacco Division in a form approved by the Director containing a certification by the importer that flue-cured and burley tobacco offered for importation does not exceed the maximum allowable residue levels of any banned pesticide.

(p) *Prohibited pesticide residue*. The maximum concentration of residue allowable for a specific pesticide or combination of pesticides as set forth in § 29.427.

(q) *Stems*. The midribs or large central veins of tobacco leaves.

(r) *Pesticide test sample*. An official sample or samples, collected from a lot of tobacco by the Secretary of Agriculture for analysis by a certified chemist to ascertain the residue levels of banned pesticides.

(s) *Sample Identification Form*. A document approved by the Director that identifies and accompanies the sample to the testing facility on which the test results will be certified by a chemist in charge of testing.

(t) *Subsequent purchaser*. Any entity that acquires ownership of tobacco after importation.

(u) *Testing*. The chemical analysis of a pesticide test sample to determine levels of pesticide residues.

(v) *End user*. A domestic manufacturer of cigarettes or other tobacco products; an entity that mixes, blends, processes, alters in any manner, or stores imported tobacco for export; or any individual that the Secretary may identify as making use of imported tobacco for the manufacture of tobacco products.

(w) *Reexported*. Any imported tobacco not used to manufacture tobacco products that is subsequently exported.

(x) *Blended*. Tobacco that is combined or mixed into a uniform product.

(y) *Leaves*. Whole, undivided tobacco leaves containing lamina and stem.

(z) *Strips*. The sides (including portions of sides) of tobacco leaf from which the stem has been removed or a lot of tobacco composed of strips.

[49 FR 27467, July 3, 1984, as amended at 51 FR 30198, Aug. 22, 1986; 54 FR 24663, June 9, 1989]

§ 29.402 Advance notice.

The importer shall notify, orally or in writing, the Raleigh Regional Office, USDA, AMS, Tobacco Division, P.O. Box 27846, Raleigh, North Carolina 27611, or the Lexington Regional Office, USDA, AMS, Tobacco Division, 333 Waller Avenue, Lexington, Kentucky 40504, of the date and location that tobacco subject to inspection under § 29.400 will be unloaded for warehousing, manipulation, or manufacturing. This notice shall be received at the Regional Office at least five working days prior to unloading the tobacco for warehousing, manipulation, or manufacturing.

[49 FR 27468, July 3, 1984]

§ 29.403 Accessibility of tobacco.

All tobacco subject to inspection under § 29.400 shall be made accessible by the importer for examination in a manner prescribed by the inspector. This includes providing proper lighting, removal of package coverings, and such other provisions as the inspector may deem necessary for inspection.

[49 FR 27468, July 3, 1984]

§ 29.404 Inspection.

The inspector shall review each lot of tobacco through a process of selective sampling in sufficient detail to allow an accurate determination of the types and grades contained in each lot.

[49 FR 27468, July 3, 1984]

§ 29.405 Inspection by submitted samples.

The Director, in lieu of onsite inspection, may approve submission by the importer of samples where time, geographical distance, or availability of inspectors prevent a timely onsite inspection, or where tobacco is classified as a "temporary importation under bond" as defined in 19 CFR 10.31 *et seq.*

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The importer shall certify that sampling was conducted in accordance with procedures approved by the Director. All tobacco inspected by submitted sample is subject to spot-checking at the discretion of the Director. Submitted samples shall be disposed of in a manner approved by the Director unless return of the sample is requested by the importer at the time of submission. Samples will only be returned at the importer's expense.

[49 FR 27468, July 13, 1984]

§ 29.406 Import inspection certificate.

An import inspection certificate shall consist of a certificate issued by the Tobacco Division in a form approved by the Director. A certificate shall be issued to the importer as soon as practicable following the completion of inspection. A separate certificate shall be issued for each lot of tobacco. In case of a lost or destroyed certificate, a duplicate may be issued under the same number, date, and name by an authorized official. Duplicate certificates shall be plainly marked "Duplicate" above the signature of the supervising official who issued it.

[49 FR 27468, July 3, 1984]

§ 29.407 Disposition of import inspection certificate.

The inspector shall provide the importer with the original portion of the certificate and forward the first copy to the Director and the second copy to the appropriate Regional Office. The importer shall retain the original inspection certificate until the lot inspected has been sold, manufactured into products or exported from the United States.

[49 FR 27468, July 3, 1984]

§ 29.425 Submission and disposition of pesticide residues and end user(s) certification.

(a) Completion of certification: The importer shall complete a pesticide residue and end user(s) certification on a form approved by the Director for each lot of flue-cured or burley tobacco, including stems, offered for importation. If the importer is unable to identify the end user(s) or purchasers at the time of importation, an amended

certification shall be executed within 30 days or at such time as the end user(s) or subsequent purchasers can be identified for any portion of the lot. Subsequent purchasers or end users so identified shall also complete an end user(s) certification until the tobacco is used in the manufacture of tobacco products or is reexported.

(b) Disposition of copies: The importer shall deliver the original and first copy to the inspector at the time the tobacco is inspected under the provisions of §§ 29.400 through 29.407. Subsequent purchasers or end users and importers submitting amended forms shall mail the original and first copy to Director, Tobacco Division, AMS, USDA, Washington, DC 20250.

(c) The information collection and recordkeeping requirements contained in this section have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB control number 0581-0056.

[51 FR 30198, Aug. 22, 1986]

§ 29.426 Collection of pesticide test samples.

Any lot of tobacco not certified by the importer as being free of prohibited pesticide residues shall be sampled in sufficient detail to determine whether the lot conforms with the pesticide residue standards. Lots of imported tobacco certified by the importer shall be sampled on a random basis and tested to determine whether they conform with the pesticide residue standards.

[51 FR 30199, Aug. 22, 1986]

§ 29.427 Pesticide residue standards.

The maximum concentration of residues of the following pesticides allowed in flue-cured or burley tobacco, expressed as parts by weight of the residue per one million parts by weight of the tobacco (ppm) are:

CHLORDANE	3.0
DIBROMOCHLOROPROPANE (DBCP)	1.0
DICAMBA (Temporary)	5.0
ENDRIN	0.1
ETHYLENE DIBROMIDE (EDB)	0.1
FORMOTHION	0.5
HEXACHLOROBENZENE (HCB)	0.1
METHOXYCHLOR	0.1
TOXAPHENE	0.3
2,4-D (Temporary)	5.0
2,4,5-T	0.1
Sum of ALDRIN and DIELDRIN	0.1