§ 319.73–2 arriving in Puerto Rico or Hawaii may not be unloaded or transhipped in Puerto Rico or Hawaii and are subject to inspection and other applicable requirements of the Plant Safeguard Regulations (part 352 of this chapter).

§ 319.73–4 Costs.
All costs of inspection, packing materials, handling, cleaning, safeguarding, treating, or other disposal of products or articles under this subpart will be borne by the owner, importer, or agent of the owner or importer, including a broker. The services of an inspector during regularly assigned hours of duty and at the usual places of duty will be furnished without cost to the importer.

Subpart—Cut Flowers

SOURCE: 64 FR 38110, July 15, 1999, unless otherwise noted.

§ 319.74–1 Definitions.
Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any employee of the United States Department of Agriculture delegated to act in his or her stead.
Cut flower. The highly perishable commodity known in the commercial flower-producing industry as a cut flower, which is the severed portion of a plant, including the inflorescence and any part of the plant attached to it, in a fresh state. This definition does not include dried, bleached, dyed, or chemically treated decorative plant materials; filler or greenery, such as fern fronds and asparagus plumes, frequently packed with fresh cut flowers; or Christmas greenery, such as holly, mistletoe, and Christmas trees.
Inspector. Any individual authorized by the Administrator to enforce this subpart.
United States. All of the States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories or possessions of the United States.

§ 319.74–2 Conditions governing the entry of cut flowers.
(a) Inspection. All cut flowers imported into the United States must be made available to an inspector for examination at the port of first arrival and must remain at the port of first arrival until released, or authorized further movement, by an inspector.
(b) Actions to prevent the introduction of plant pests; notice by an inspector. If an inspector orders any disinfection, cleaning, treatment, reexportation, or other action with regard to imported cut flowers that are found to be infested with injurious plant pests or infected with diseases, the inspector will provide an emergency action notification (PPQ Form 523) to the importer, owner, or agent or representative of the importer or owner of the cut flowers. The importer, owner, or agent or representative of the importer or owner must, within the time specified in the PPQ Form 523 and at his or her own expense, destroy the cut flowers, ship them to a point outside the United States, move them to an authorized site, and/or apply treatments, clean, or apply other safeguards to the cut flowers as prescribed by the inspector on the PPQ Form 523. Further, if the importer, owner, or agent or representative of the importer or owner fails to follow the conditions on PPQ Form 523 by the time specified on the form, APHIS will arrange for destruction of the cut flowers, and the importer, owner, or agent or representative of the importer or owner will be responsible for all costs incurred. Cut flowers that have been cleaned or treated must be made available for further inspection, cleaning, and treatment at the option of the inspector at any time and place indicated by the inspector before the requirements of this subpart will have been met. Neither the Department of Agriculture nor the inspector may be held responsible for any adverse effects of treatment on imported cut flowers.
(c) Fumigation for agromyzids. (1) Cut flowers imported from any country or locality and found upon inspection to be infested with agromyzids (insects of the family Agromyzidae) must be fumigated at the time of importation with methyl bromide in accordance with
paragraph (c)(2) of this section, with the following exceptions:

(i) Fumigation will not be required for cut flowers imported from Canada (including Labrador and Newfoundland) or Mexico because of the finding of agromyzids.

(ii) Fumigation will not be required for cut flowers of *Chrysanthemum* spp. imported from Colombia or the Dominican Republic because of the finding of such agromyzids, when such agromyzids are identified by an inspector to be only agromyzids of the species *Liriomyza trifolii* (Burgess).

(2) Fumigation schedules. Fumigation of cut flowers for agromyzids (insects of the family Agromyzidae) must consist of fumigation with methyl bromide at normal atmospheric pressure in a chamber or under a tarpaulin in accordance with one of the following schedules:

<table>
<thead>
<tr>
<th>Accepted name of susceptible species</th>
<th>Synonyms</th>
<th>Common name</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Chrysanthemum arcticum</em> L........</td>
<td>Arctanthemum arcticum (L.) Tzvelev and Dendranthema arcticum (L.) Tzvelev.</td>
<td>Arctic chrysanthemum and arctic daisy.</td>
</tr>
<tr>
<td><em>Chrysanthemum boreale</em> (Makino) Makino.</td>
<td>Chrysanthemum indicum L. var. boreale Makino and Dendranthema boreale (Makino) Ling ex Kitam.</td>
<td>Chrysanthemum boreale and boreal chrysanthemum.</td>
</tr>
<tr>
<td><em>Chrysanthemum japonicum</em> Makino</td>
<td>Chrysanthemum indicum L. var. boreale Makino and Dendranthema boreale (Makino) Ling ex Kitam.</td>
<td>Chrysanthemum japonicum.</td>
</tr>
<tr>
<td><em>Chrysanthemum pacificum</em> Nakai ...</td>
<td>Apiania pacifica (Nakai) K. Bremer &amp; Humphries and Dendranthema pacificum (Nakai) Kitam.</td>
<td>Chrysanthemum pacificum.</td>
</tr>
<tr>
<td><em>Chrysanthemum-shiogiku</em> Kitam. ...</td>
<td>Apiania shiogiku (Kitam.) K. Bremer &amp; Humphries and Dendranthema shiogiku (Kitam.) Kitam.</td>
<td>Chrysanthemum-shiogiku.</td>
</tr>
<tr>
<td><em>Leucanthemella-serotina</em> (L.) Tzvelev.</td>
<td>Chrysanthemum-serotinum L., Chrysanthemum-uliginosum (Waldst. &amp; Kit. ex Wild.) Pers., and Pyrethrum-uliginosum (Waldst. &amp; Kit. ex Wild.)</td>
<td>Giant daisy or high daisy.</td>
</tr>
<tr>
<td><em>Nipponanthemum nipponicum</em> (Franch. ex Maxim.) Kitam.</td>
<td>Chrysanthemum-nipponicum (Franch. ex Maxim.) Matsum. and Leucanthemum-nipponicum Franch. ex Maxim.</td>
<td>Nippon daisy or Nippon-chrysanthemum.</td>
</tr>
</tbody>
</table>

(2) Chrysanthemum white rust is considered to exist in the following regions: Andorra, Argentina, Australia, Belarus, Bosnia and Herzegovina,
Brazil, Brunei, Canary Islands, Chile, China, Colombia, Croatia, Ecuador, Iceland, Japan, Korea, Liechtenstein, Macedonia, Malaysia, Mexico, Moldova, Monaco, New Zealand, Norway, Peru, Republic of South Africa, Russia, San Marino, Switzerland, Taiwan, Thailand, Tunisia, Ukraine, Uruguay, Venezuela, Yugoslavia; the European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and United Kingdom); and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.

(3) Cut flowers of any species listed in paragraph (d)(1) of this section may be imported into the United States from any region listed in paragraph (d)(2) of this section only under the following conditions:

(i) The flowers must be grown in a production site that is registered with the national plant protection organization (NPPO) of the country in which the production site is located or with the NPPO’s designee, and the NPPO or its designee must provide a list of registered sites to APHIS.

(ii) Each shipment of cut flowers must be accompanied by a phytosanitary certificate or equivalent documentation, issued by the NPPO of the country of origin or its designee, that contains an additional declaration stating that the place of production as well as the consignment have been inspected and found free of *Puccinia horiana*.

(iii) Box labels and other documents accompanying shipments of cut flowers must be marked with the identity of the registered production site.

(iv) APHIS-authorized inspectors must also be allowed access to production sites and other areas necessary to monitor the chrysanthemum white rust-free status of the production sites.

(4) Cut flowers not meeting these conditions will be refused entry into the United States. The detection of chrysanthemum white rust in a shipment of cut flowers from a registered production site upon arrival in the United States will result in the prohibition of imports originating from the production site until such time when APHIS and the NPPO of the exporting country, can agree that the eradication measures taken have been effective and that the pest risk within the production site has been eliminated.

(e) Irradiation. Cut flowers and foliage that are required under this part to be treated or subjected to inspection to control one or more of the plant pests listed in §305.31(a) of this chapter may instead be treated with irradiation. Commodities treated with irradiation for plant pests listed in §305.31(a) must be irradiated at the doses listed in §305.31(a), and the irradiation treatment must be conducted in accordance with the other requirements of §305.34 of this chapter. There is a possibility that some cut flowers could be damaged by such irradiation.

(f) Refusal of entry. If an inspector finds that imported cut flowers are so infested with a plant pest or infected with disease that, in the judgment of the inspector, they cannot be cleaned or treated, or if they contain soil or other prohibited contaminants, the entire lot may be refused entry into the United States.

(Approved by the Office of Management and Budget under control number 0579–0271.)

§319.74–3 Importations by the Department.

The U.S. Department of Agriculture may import cut flowers for experimental or scientific purposes under such conditions and restrictions as the Administrator may prescribe to prevent the dissemination of plant pests.

§319.74–4 Costs and charges.

The Animal and Plant Health Inspection Service, U.S. Department of Agriculture, will be responsible only for the costs of providing the services of an inspector during regularly assigned hours of duty and at the usual places of duty (provisions relating to costs for other services of an inspector are contained in 7 CFR part 354). The importer, owner, or agent or representative of the importer or owner of cut flowers is