

requirements of the Post Office Department governing packing and packaging of any materials for movements covered by the postal laws and regulations. All containers shall be stoutly constructed so as to prevent breakage in transit and danger of plant pest dissemination and shall be labeled in accordance with § 330.211. The Deputy Administrator may allow the movement of host materials with plant pests under permits when they must necessarily accompany the pests, although such movement is otherwise barred under the Plant Protection Act.

[24 FR 10825, Dec. 29, 1959, as amended at 66 FR 21058, Apr. 27, 2001]

§ 330.210a Administrative instructions listing approved packing materials for plant pests.

(a) The following materials are approved as packing materials for use with any shipment of plant pests in accordance with § 330.210:

- (1) Absorbent cotton or processed cotton padding free of cottonseed.
- (2) Cellulose materials.
- (3) Excelsior.
- (4) Felt.
- (5) Ground peat (peat moss).
- (6) Paper or paper products.
- (7) Phenolic resin foam.
- (8) Sawdust.
- (9) Sponge rubber.
- (10) Thread waste; twine; or cord.
- (11) Vermiculite.

(b) Advance approval for the use of any other packing material for any specific movement should be obtained from the Deputy Administrator.

§ 330.211 Labeling of plant pests for movement under permits.

(a) *Interstate movement.* For interstate movements of plant pests a label shall be attached to each parcel containing the pests as evidence that the movement of the plant pests is authorized. Such label shall also disclose the contents of the parcel.

(b) *Movement into or through the United States from places outside thereof by mail or cargo.* (1) When a permit authorizing the movement of plant pests into the United States from any place outside thereof is issued to an applicant under this part, it will be accompanied by distinctive labels, with in-

structions for their use by the foreign shipper. Such labels will be issued in quantity sufficient to permit attaching one to each parcel to be moved. The labels will direct the parcels to specified inspection stations of the Plant Protection and Quarantine Programs, or other designated points, for clearance. The stations will be notified by the Deputy Administrator in advance of the expected arrival of the plant pests. Plant pests so moved by mail may be refused entry unless the containers thereof bear such labels. Cargo shipments of plant pests so moved may be refused entry unless they bear such labels or are otherwise plainly marked to identify the contents.

(2) Any labelling requirements with respect to the movement of plant pests through the United States will be included in shipping instructions issued as conditions of the permits.

(c) *Misuse of labels.* No labels unused in accordance with the terms of the permit may be used for the movement of any other plant pest. The Plant Protection Act provides for a penalty² for the misuse of such labels. Any unauthorized movement of plant pests

²Section 424 of the Plant Protection Act (7 U.S.C. 7734) provides that persons who violate this act, or who forge, counterfeit or—without authority from the Secretary—use, alter, deface, or destroy any certificate, permit or other document may, after notice and opportunity for a hearing, be assessed a civil penalty that does not exceed the greater of: (a) \$50,000 for individuals, except that the civil penalty may not exceed \$1,000 in the case of an initial violation by an individual moving regulated articles not for monetary gain; \$250,000 for any other person or legal entity, such as partnerships, corporations, associations, or joint ventures; and \$500,000 for all violations adjudicated in a single proceeding; or (b) twice the gross pecuniary gain derived from or loss caused by any violation, forgery, counterfeiting, unauthorized use, defacing, or destruction of a certificate, permit, or other document provided for by this act. Section 424 of the Plant Protection Act also provides penalties for criminal violations, under which knowing violators of the act may be found guilty of a misdemeanor and, upon conviction, fined in accordance with title 18 of the United States Code, imprisoned for a period not to exceed 1 year, or both.

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under a label will be refused by the inspector, and the plant pests may be destroyed or otherwise dealt with as set forth in § 330.106 if deemed necessary as an emergency measure.

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§ 330.212 Movement of plant pests by baggage.

Persons proposing to move plant pests into or through the United States from any place outside thereof, or from any Territory or possession into or through any other Territory or possession, or the Continental United States, by baggage, shall show the permit authorizing the movement to the inspector upon arrival at the port where the baggage is inspected. The conditions specified for the movement must be observed. The inspector will insure that the movement is handled in accordance with the terms of the permit. If it is necessary to move the plant pest to another place for clearance, the owner will be responsible for all costs incidental to such forwarding. Pending forwarding, the inspector will specify and supervise the application of safeguards against danger of plant pest dissemination and may retain custody of the pests until forwarded.

Subpart—Movement of Soil, Stone, And Quarry Products

§ 330.300 Soil from foreign countries or Territories or possessions.¹

No soil shall be moved into or through the United States from any place outside thereof or from any Territory or possession into or through any other Territory or possession or the Continental United States, whether the soil is moved as such or incidentally adhering to means of conveyance or other articles, except as authorized

¹The movement of soil from Puerto Rico into or through any other State, Territory, or District of the United States is also subject to the provisions of the imported fire ant quarantine and regulations contained in 7 CFR 301.81 *et seq.*

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in § 318.60 or § 319.69 of this chapter, or this subpart.

(a) *Permits authorized.* The Deputy Administrator may issue permits under this section for movements of soil not governed by § 318.60 or § 319.69 of this chapter, for research, analytical, religious, ceremonial, patriotic, or similar purposes, or such other purposes as he shall deem consistent with the objectives of this part, specifying in the permit or in the related correspondence, the safeguards, including treatment in accordance with part 305 of this chapter, or other conditions which he deems necessary for the purpose of preventing the dissemination of plant pests into the United States or interstate. Whenever it is possible to formulate a general rule specifying such conditions, it shall be promulgated in administrative instructions and the applicable provisions thereof may be incorporated into a permit by citation, but shall be applicable whether or not so cited.

(b) *Application for permits.* Only persons resident in the United States may apply for permits under this section to move soil into the United States from any place outside thereof, or from any territory or possession into or through any other Territory or possession or the Continental United States. Persons resident in the United States contemplating such movements, or any persons contemplating movement through the United States, of soil under this section shall first make application for permits authorizing such movement by submitting to the Plant Protection and Quarantine Programs the form provided therefor by the Plant Protection and Quarantine Programs or by submitting, in the form of a letter or other written communication, the following information: Origin of the shipment, destination, quantity, method of shipment, proposed port of first arrival in the United States, port of export (if applicable), approximate date of arrival in the United States, intended use, measures to be employed to prevent danger of plant pest dissemination, method of final disposition, and the number of parcels expected to be moved. In acting upon the application for permits for such movement of soil, the Deputy Administrator will follow the procedures outlined in § 330.202 for