

§319.37

7 CFR Ch. III (1–1–16 Edition)

(*C. x sinensis*) x *C. reticulata*] x *C. reticulata*] grown on Jeju (also translated as Cheju) Island, Republic of Korea, and imported under permit into any area of the United States except for those specified in paragraph (c)(4) of this section, *Provided*, that each of the following safeguards is fully carried out:

(1) Before packing, the fruit shall be given a surface sterilization in accordance with part 305 of this chapter.

(2) The packinghouse in which the surface sterilization treatment is applied and the fruit is packed must be registered with the national plant protection organization of the Republic of Korea.

(3) The fruit must be accompanied by a phytosanitary certificate issued by the national plant protection organization of the Republic of Korea, which includes an additional declaration stating that the fruit was given a surface sterilization in accordance with 7 CFR part 305 and was inspected and found free of *Elsinoe australis*.

(4) The fruit may be imported into any area of the United States except American Samoa, Hawaii, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

(5) The fruit must be imported in commercial consignments only.

(d) The prohibition does not apply to sweet oranges (*Citrus sinensis* (L.) Osbeck), lemons (*C. limon* (L.) Burm. f.), mandarins (*C. reticulata* Blanco, *C. clementina* Hort. ex Tanaka, *C. deliciosa* Ten., and *C. unshiu* Marcow), *Citrus* hybrids, *Fortunella japonica* (Thunb.) Swingle, and *F. margarita* (Lour.) Swingle, from Uruguay that meet the requirements of 7 CFR 319.56–59.

(e) This prohibition shall not apply to importations for experimental, therapeutic, or developmental purposes under the conditions specified in a controlled import permit issued in accordance with §319.6.

(f) Further, this prohibition shall not apply to importations into Guam of the fruits and peel designated in paragraph (a)(1) of this section.

(g) Importations allowed under paragraphs (b) through (e) of this section shall be subject to the permit and other requirements under the regula-

tions in Subpart—Fruits and Vegetables of this part.

(h) All salary, travel, and subsistence expenses incident to the assignment of personnel of the U.S. Department of Agriculture to such operations in the country of origin of the Unshu oranges shall be paid by those requesting the service of such personnel.

(i) The term *United States* means the States, District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(Approved by the Office of Management and Budget under control numbers 0579–0173, 0579–0314, 0579–0418, and 0579–0424)

[32 FR 7959, June 2, 1967]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §319.28, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart—Plants for Planting^{1 2}

SOURCE: 45 FR 31585, May 13, 1980; 60 FR 27674, May 25, 1995, unless otherwise noted.

§319.37 Prohibitions and restrictions on importation; disposal of articles refused importation.

(a) No person shall import or offer for entry into the United States any prohibited article or any article whose importation is not authorized pending pest risk analysis in accordance with §319.37–2a, except as otherwise provided in §319.37–2(c) of this subpart. No person shall import or offer for entry into

¹The Plant Protection and Quarantine Programs also enforces regulations promulgated under the Endangered Species Act of 1973 (Pub. L. 93–205, as amended) which contain additional prohibitions and restrictions on importation into the United States of articles subject to this subpart (See 50 CFR parts 17 and 23).

²One or more common names of articles are given in parentheses after most scientific names (when common names are known) for the purpose of helping to identify the articles represented by such scientific names; however, unless otherwise specified, a reference to a scientific name includes all articles within the category represented by the scientific name regardless of whether the common name or names are as comprehensive in scope as the scientific name.

the United States any restricted article except in accordance with this subpart.

(b) The importer of any article denied entry for noncompliance with this subpart must, at the importer's expense and within the time specified in an emergency action notification (PPQ Form 523), destroy, ship to a point outside the United States, or apply treatments or other safeguards to the article, as prescribed by an inspector to prevent the introduction into the United States of quarantine pests. In choosing which action to order and in setting the time limit for the action, the inspector shall consider the degree of pest risk presented by the quarantine pest associated with the article, whether the article is a host of the pest, the types of other host materials for the pest in or near the port, the climate and season at the port in relation to the pest's survival range, the availability of treatment facilities for the article, and any other factors pertaining to the risk that the article may present to plants, plant parts, or plant products within the United States that he or she considers necessary.

(c) No person shall remove any restricted article from the port of first arrival unless and until a written notice is given to the collector of customs by the inspector that the restricted article has satisfied all requirements under this subpart.

[57 FR 43144, Sept. 18, 1992, as amended at 76 FR 31208, May 27, 2011; 79 FR 74588, Dec. 16, 2014]

§ 319.37-1 Definitions.

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

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.

Bulb. The portion of a plant commonly known as a bulb, bulbil, bulblet, corm, cormel, rhizome, tuber, or pip, and including fleshy roots or other un-

derground fleshy growths, a unit of which produces an individual plant.

Clean well water. Well water that does not contain quarantine pests.

Compliance agreement. A written agreement between APHIS and a person (individual or corporate) engaged in the production, processing, handling, or moving of restricted articles imported pursuant to this subpart, in which the person agrees to comply with the subpart and the terms and conditions specified within the agreement itself.

Controlled import permit. A written or electronically transmitted authorization issued by APHIS for the importation into the United States of otherwise prohibited or restricted plant material for experimental, therapeutic, or developmental purposes, under controlled conditions as prescribed by the Administrator in accordance with § 319.6.

Disease. The term in addition to its common meaning, includes a disease agent which incites a disease.

Earth. The softer matter composing part of the surface of the globe, in distinction from the firm rock, and including the soil and subsoil, as well as finely divided rock and other soil formation materials down to the rock layer.

Europe. The continent of Europe, the British Isles, Iceland, the Azores, and the islands in the Mediterranean Sea.

From. An article is considered to be "from" any country or locality in which it was grown. *Provided,* That an article imported into Canada from another country or locality shall be considered as being solely from Canada if it meets the following conditions:

(1) It is imported into the United States directly from Canada after having been grown for at least 1 year in Canada,

(2) It has never been grown in a country from which it would be a prohibited article or an article whose importation into the United States is not authorized pending pest risk analysis or grown in a country other than Canada from which it would be subject to conditions of § 319.37-5 (b)(2), (b)(3), (b)(4), (c), (d), (e), (f), (g), (h), (i), (k), (l), or (m) of this subpart, or subject to conditions of § 319.37-6 of this subpart,