

§ 319.24-5 Condition of entry.

The corn shall not be removed from the port of entry, nor shall any bag or other container thereof be broken or opened, except for the purpose of sterilization, until a written notice is given to the United States Collector of Customs, or, in the case of Guam, the Customs officer of the Government of Guam, by an inspector of the Plant Protection and Quarantine Programs, that the corn has been properly sterilized and released for entry without further restrictions so far as the jurisdiction of the Department of Agriculture extends thereto. All apparatus and methods for accomplishing such sterilization must be satisfactory to the Plant Protection and Quarantine Programs. Corn will be delivered to the permittee for sterilization, upon the filing with the appropriate customs official of a bond in the amount of \$5,000, or in an amount equal to the invoice value of the corn if such value is less than \$5,000, with approved sureties, and conditioned upon sterilization of the corn under the supervision and the satisfaction of an inspector of the Plant Protection and Quarantine Programs; and upon the redelivery of the corn to said customs official within 40 days from the arrival of the corn at the port of entry.

Subpart—Citrus Fruit

NOTE: Citrus nursery stock, except seeds, is prohibited entry from all foreign countries and localities by the citrus nursery stock quarantine No. 19 (§ 319.19).

The importation from all foreign countries of fruits of citrus and citrus relatives, other than those specified in this subpart, is restricted by the provisions of fruit and vegetable quarantine No. 56 (§§ 319.56 to 319.56-8).

§ 319.28 Notice of quarantine.

(a) Under the authority conferred by sections 5, 7, and 9 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 160, 162), and having held the public hearing required thereunder, the Secretary of Agriculture does hereby declare, (1) that in order to prevent the introduction into the United States of the citrus canker disease *Xanthomonas campestris* pv. *citri* (Hasse) Dye the importation into the United States of all fruits and peel of all genera, species,

and varieties of the subfamilies *Aurantioideae*, *Rutoideae*, and *Toddalioideae* of the botanical family *Rutaceae* from eastern and south-eastern Asia (including India, Burma, Ceylon, Thailand, Indochina, and China), the Malay Archipelago, the Philippine Islands, Oceania (except Australia and Tasmania), Japan and adjacent islands, the Republic of Korea, Formosa, Mauritius, Seychelles, Argentina (except for the States of Catamarca, Jujuy, Salta, and Tucuman, which are considered free of citrus canker), Brazil, and Paraguay is prohibited; (2) that in order to prevent the introduction into the United States of sweet orange scab (*Elsinoe australis* Bitanc. and Jenkins) the importation into the United States of fruits and peel of all species and varieties of the genus *Citrus*, including among others *Citrus aurantifolia* (Christm.) Swingle, *C. aurantium* L., *C. hystrix* DC., *C. limon* (L.) Burm. f., *C. paradisi* Macf., *C. reticulata* Blanco, and *C. sinensis* (L.) Osbeck; and *Fortunella margarita* (Lour.) Swingle, from Argentina (except as provided by § 319.56-2f of this part), Brazil, Paraguay, and Uruguay, is prohibited; and (3) that in order to prevent the introduction into the United States of the bacterial disease known as "Cancrosis B" the importation into the United States of fruits and peel of all species and varieties of the genus *Citrus*, including among others *Citrus aurantifolia* (Christm.) Swingle, *C. aurantium* L., *C. limon* (L.) Burm. f., *C. medica* L., and *C. sinensis* (L.) Osbeck, from Argentina (except for the States of Catamarca, Jujuy, Salta, and Tucuman, which are considered free of Cancrosis B), Paraguay, and Uruguay, is prohibited: *Provided*, That seeds and processed peel of fruits designated herein are excluded from the provisions of this quarantine. Such seeds, however, are subject to the requirements of the Nursery Stock, Plant and Seed Quarantine No. 37 (§§ 319.37 to 319.37-27).

(b) The prohibition does not apply to Unshu oranges (*Citrus reticulata* Blanco var. *unshu*, Swingle [*Citrus unshiu* Marcovitch, Tanaka]), also known as Satsuma, grown in Japan or on Cheju Island, Republic of Korea, and imported under permit into any area of the United States except for American

Samoa, Arizona, California, Florida, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States: *Provided*, that each of the following safeguards is fully carried out:

(1) The Unshu oranges must be grown and packed in isolated, canker-free export areas established by the plant protection service of the country of origin. Only Unshu orange trees may be grown in these areas, which must be kept free of all citrus other than the propagative material of Unshu oranges. The export areas must be inspected and found free of citrus canker and prohibited plant material by qualified plant protection officers of both the country of origin and the United States. The export areas must be surrounded by 400-meter-wide buffer zones. The buffer zones must be kept free of all citrus other than the following 10 varieties: Buntan Hirado (*Citrus grandis*); Buntan Vietnam (*C. grandis*); Hassaku (*C. hassaku*); Hyuganatsu (*C. tamurana*); Kinkan (*Fortunella* spp. non *Fortunella hindsii*); Kiyomi tangor (hybrid); Orange Hyuga (*C. tamurana*); Ponkan (*C. reticulata*); Unshu (*C. unshiu* Marcovitch, Tanaka [*Citrus reticulata* Blanco var. *unshu*, Swingle]); and Yuzu (*C. junos*). The buffer zones must be inspected and found free of citrus canker and prohibited plant material by qualified plant protection officers of both the country of origin and the United States.

(2) Inspection of the Unshu oranges shall be performed jointly by plant protection officers of the country of origin and the United States in the groves prior to and during harvest, and in the packinghouses during packing operations.

(3) Before packing, such oranges shall be given a surface sterilization as prescribed by the U.S. Department of Agriculture.

(4) The identity of the fruit shall be maintained in the following manner:

(i) On its tissue paper wrapping, and on the individual box in which such oranges are shipped, there is to be stamped or printed a statement specifying the States into which the Unshu oranges may be imported, and from which they are prohibited removal under a Federal plant quarantine.

(ii) Each shipment of oranges handled in accordance with these procedures shall be accompanied by a certificate of the plant protection service of the country of origin certifying that the fruit is apparently free of citrus canker disease.

(5) [Reserved]

(6) The Unshu oranges may be imported into the United States only through a port of entry listed in §319.37-14 of this part, except that the importation is prohibited through ports of entry located in American Samoa, Arizona, California, Florida, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States.

(c) This prohibition shall not apply to importations for experimental or scientific purposes by the U.S. Department of Agriculture upon such conditions and under such requirements as may be prescribed in permits that may be issued by the Deputy Administrator of the Plant Protection and Quarantine Programs for such importations.

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

(e) Importations allowed in paragraphs (b), (c), and (d) of this section shall be subject to the permit and other requirements under the Fruits and Vegetables Quarantine (§319.56).

(f) 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.

(g) 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.

(h) Any permit that has been issued for the importation of Unshu oranges may be withdrawn by an inspector orally or in writing, if he or she determines that the holder of the permit has not complied with any of the conditions in the regulations. The holder of the permit shall be informed orally or in writing of the reasons for the withdrawal. If the withdrawal is oral, the

decision and the reasons for the withdrawal will be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. As promptly as circumstances allow, the Deputy Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Deputy Administrator.

(i) The term *inspector* means any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, who is authorized by the Deputy Administrator to enforce the regulations in this subpart.

[32 FR 7959, June 2, 1967, as amended at 36 FR 24917, Dec. 24, 1971; 37 FR 7481, Apr. 15, 1972; 37 FR 23624, Nov. 7, 1972; 43 FR 13491, Mar. 31, 1978; 52 FR 32291, Aug. 27, 1987; 53 FR 50508, Dec. 16, 1988; 59 FR 13183, Mar. 21, 1994; 60 FR 39103, 39104, Aug. 1, 1995; 65 FR 37667, June 15, 2000]

Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products^{1, 2}

SOURCE: 45 FR 31585, May 13, 1980, as amended at 60 FR 27674, May 25, 1995.

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.

§ 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, except as otherwise provided in § 319.37-2(c) of this subpart. No person shall import or offer for entry into 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 plant 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 plant 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, and the availability of treatment facilities for the article.

(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]

§ 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:

Bulbs. The portion of a plant commonly known as a bulb, bulbil, bulblet, corm, cormel, rhizome, tuber, or pip, and including fleshy roots or other underground fleshy growths, a unit of which produces an individual plant.