

## Animal and Plant Health Inspection Service, USDA

§ 319.40-1

### *Norfolk*

Federal Building, room 311, 200 Granby Mall,  
Norfolk, VA 23510.

### WASHINGTON

### *Blaine*

Custom House, room 216, P.O. Drawer C,  
Blaine, WA 98230.

### *McChord AFB*

MAC Terminal, P.O. Box 4116, McChord Air  
Force Base, Tacoma, WA 98438.

### *\*Seattle*

Federal Office Building, room 9014, 909 First  
Avenue, Seattle, WA 98174.

### *(Airport)*

Seattle-Tacoma International Airport, Se-  
attle, WA 98158.

### WISCONSIN

### *Milwaukee*

International Arrivals Terminal, General  
Mitchell Field, 5300 South Howell Avenue,  
Milwaukee, WI 53207.

[45 FR 31585, May 13, 1980, as amended at 54  
FR 34133, Aug. 18, 1989; 57 FR 47978, Oct. 21,  
1992; 59 FR 21622, Apr. 26, 1994; 61 FR 51210,  
Oct. 1, 1996]

## Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles

SOURCE: 60 FR 27674, May 25, 1995, unless  
otherwise noted.

### § 319.40-1 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.

*APHIS.* The Animal and Plant Health Inspection Service, United States Department of Agriculture.

*Bark chips.* Bark fragments broken or shredded from log or branch surfaces.

*Certificate.* A certificate of inspection relating to a regulated article, which is issued by an official authorized by the national government of the country in which the regulated article was produced or grown, which contains a description of the regulated article, which certifies that the regulated article has been inspected, is believed to be

free of plant pests, and is believed to be eligible for importation pursuant to the laws and regulations of the United States, and which may contain any specific additional declarations required under this subpart.

*Compliance agreement.* A written agreement between APHIS and a person engaged in processing, handling, or moving regulated articles, in which the person agrees to comply with requirements contained in the agreement.

*Departmental permit.* A document issued by the Administrator authorizing the importation of a regulated article for experimental, scientific, or educational purposes.

*Exporter statement.* A written declaration by the exporter, accompanying a shipment at the time of importation, declaring the nature of the shipment and that the shipment contains no solid wood packing material.

*Fines.* Small particles or fragments of wood, slightly larger than sawdust, that result from chipping, sawing, or processing wood.

*Free from rot.* No more than two percent by weight of the regulated articles in a lot show visual evidence of fructification of fungi or growth of other microorganisms that cause decay and the breakdown of cell walls in the regulated articles.

*General permit.* A written authorization contained in § 319.40-3 for any person to import the articles named by the general permit, in accordance with the requirements specified by the general permit, without being issued a specific permit.

*Humus, compost, and litter.* Partially or wholly decayed plant matter.

*Import (imported, importation).* To bring or move into the territorial limits of the United States.

*Importer document.* A written declaration signed by the importer of regulated articles, which must accompany the regulated articles at the time of importation, in which the importer accurately declares information about the regulated articles required to be disclosed by § 319.40-2(b).

*Importer statement.* A written declaration by the importer, for a shipment containing solid wood packing material from the Peoples Republic of China including Hong Kong, affirming that

## §319.40-1

## 7 CFR Ch. III (1-1-01 Edition)

the importer has on file at his or her office the certificate required under §319.40-5(g)(2)(i).

*Inspector.* Any individual authorized by the Administrator to enforce this subpart.

*Log.* The bole of a tree; trimmed timber that has not been sawn further than to form cants.

*Loose wood packing material.* Excelsior (wood wool), sawdust, and wood shavings, produced as a result of sawing or shaving wood into small, slender, and curved pieces.

*Lot.* All the regulated articles on a single means of conveyance that are derived from the same species of tree and were subjected to the same treatments prior to importation, and that are consigned to the same person.

*Lumber.* Logs that have been sawn into boards, planks, or structural members such as beams.

*Permit.* A specific permit to import a regulated article issued in accordance with §319.40-4, or a general permit promulgated in §319.40-3.

*Plant pest.* Any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts of parasitic plants, noxious weeds, viruses, or any organism similar to or allied with any of the foregoing, or any infectious substances, which can injure or cause disease or damage in any plants, parts of plants, or any products of plants.

*Port of first arrival.* The area (such as a seaport, airport, or land border station) where a person or a means of conveyance first arrives in the United States, and where inspection of regulated articles is carried out by inspectors.

*Primary processing.* Any of the following processes: cleaning (removal of soil, limbs, and foliage), debarking, rough sawing (bucking or squaring), rough shaping, spraying with fungicide or insecticide sprays, and fumigation.

*Regulated article.* The following articles, if they are unprocessed or have received only primary processing: logs; lumber; any whole tree; any cut tree or any portion of a tree, not solely consisting of leaves, flowers, fruits, buds, or seeds; bark; cork; laths; hog fuel;

sawdust; painted raw wood products; excelsior (wood wool); wood chips; wood mulch; wood shavings; pickets; stakes; shingles; solid wood packing materials; humus; compost; and litter.

*Sealed container; sealable container.* A completely enclosed container designed for the storage or transportation of cargo, and constructed of metal or fiberglass, or other rigid material, providing an enclosure which prevents the entrance or exit of plant pests and is accessed through doors that can be closed and secured with a lock or seal. Sealed (sealable) containers are distinct and separable from the means of conveyance carrying them.

*Solid wood packing material.* Wood packing materials other than loose wood packing materials, used or for use with cargo to prevent damage, including, but not limited to, dunnage, crating, pallets, packing blocks, drums, cases, and skids.

*Specific permit.* A written document issued by APHIS to the applicant in accordance with §319.40-4 that authorizes importation of articles in accordance with this subpart and specifies or refers to the regulations applicable to the particular importation.

*Treatment Manual.* The Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at §300.1 of this chapter in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

*Tropical hardwoods.* Hardwood timber species which grow only in tropical climates.

*United States.* All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

*Wood chips.* Wood fragments broken or shredded from any wood.

*Wood mulch.* Bark chips, wood chips, wood shavings, or sawdust intended for use as a protective or decorative ground cover.

[60 FR 27674, May 25, 1995, as amended at 63 FR 50110, Sept. 18, 1998; 63 FR 69542, Dec. 17, 1998; 65 FR 21127, Apr. 20, 2000]