

(2) Requires reinspection, cleaning, or treatment of the fruit or vegetable at that port or at a place other than the port of first arrival, or is prohibited and must be exported from the United States.

(e) *Notice to owner of actions ordered by inspector.* If an inspector orders any disinfection, cleaning, treatment, re-exportation, or other action with regard to imported fruits or vegetables, the inspector shall file an emergency action notification (PPQ Form 523) with the owner of the fruits or vegetables or an agent of the owner. The owner must, within the time specified in the PPQ Form 523, destroy the fruits and vegetables, ship them to a point outside the United States, move them to an authorized site, and/or apply treatments or other safeguards to the fruits and vegetables as prescribed by an inspector to prevent the introduction of plant pests into the United States.

(f) *Costs and charges.* The Animal and Plant Health Inspection Service (APHIS), 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.<sup>1</sup> The owner of imported fruits or vegetables is responsible for all additional costs of inspection, treatment, movement, storage, or destruction ordered by an inspector under this subpart, including any labor, chemicals, packing materials, or other supplies required. APHIS will not be responsible for any costs or charges, other than those identified in this section.

[60 FR 62320, Dec. 6, 1995]

**§ 319.56–7 Inspection of baggage and cargo on the dock.**

Inspectors of the U.S. Department of Agriculture are authorized to cooperate with the customs inspectors in the examination of all baggage or other personal belongings of passengers or members of crews of vessels or other carriers whenever such examination is deemed necessary for the purpose of enforcing the provisions of § 319.56 with

<sup>1</sup>Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.

respect to the entry of any prohibited or restricted fruits or vegetables or plants or portions of plants which may be contained in the baggage or other belongings of such persons.

**§ 319.56–8 Territorial applicability.**

The regulations in this subpart shall apply with respect to importations into the continental United States, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

**Subpart—Wheat Diseases**

**AUTHORITY:** Secs. 105, 107, 71 Stat. 32 and 34, as amended; 37 Stat. 854; secs. 7 and 9, 37 Stat. 317 and 318, as amended; sec. 10, 45 Stat. 468 (7 U.S.C. 150dd, 150ff, 155, 160, 162, and 164a); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565.

**§ 319.59 Prohibitions on importation; disposal of articles refused importation.**

(a) Pursuant to section 7 of the Plant Quarantine Act (7 U.S.C. 160) the Secretary has determined that, in order to prevent the introduction into the United States from any foreign country or locality of foreign strains of flag smut or Karnal bunt, it is necessary, except as provided in § 319.59–2(c) of this subpart, to prohibit the importation into the United States of certain articles from certain foreign countries and localities. Accordingly, no person shall import or offer for entry into the United States any article designated in § 319.59–2 (a) and (b) of this subpart as a prohibited article, except as otherwise provided in § 319.59–2(c) of this subpart.

(b) Any article refused importation in accordance with the requirements of this subpart shall be promptly removed from the United States or destroyed as deemed necessary by an inspector at the expense of the importer, and pending such action shall be subject to the immediate application of such safeguards against escape of injurious plant diseases (including foreign strains of flag smut) and Karnal bunt, injurious insect pests and other plant pests as an inspector determines necessary to prevent the introduction into the United States of such diseases or pests. If such article is not promptly safeguarded, removed from the United

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States, or destroyed as deemed necessary by an inspector at the expense of the importer, it may be seized, destroyed, or otherwise disposed of in accordance with section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).

[46 FR 54320, Nov. 2, 1981, as amended at 48 FR 46735 Oct. 14, 1983; 63 FR 31101, June 8, 1998]

§ 319.59-1 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:

*Deputy Administrator.* The Deputy Administrator of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his/her stead has been or may hereafter be delegated.

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

*Foreign strains of flag smut.* Plant diseases caused by foreign strains of highly infective fungi, *Urocystis agropyri* (Preuss) Schroet., which attack wheat and substantially reduce its yield, and which are new to or not widely prevalent or distributed within and throughout the United States.

*From.* An article is considered to be "from" any country or locality in which it was grown.

*Inspector.* Any employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

*Karnal bunt.* A plant disease caused by the fungus *Tilletia indica* (Mitra) Mundkur.

*Person.* An individual, corporation, company, society, or association.

*Plant Protection and Quarantine.* The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and regulations promulgated thereunder.

visions of the Plant Quarantine Act, the Federal Plant Pest Act, and related legislation, and regulations promulgated thereunder.

*Prohibited article.* Any class of seed, plant, or other plant product specified as prohibited articles in § 319.59-2(a) or (b).

*Secretary.* The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

*Spp. (species).* All species, clones, cultivars, strains, varieties, and hybrids, of a genus.

*United States.* The States, District of Columbia, American Samoa, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[46 FR 54320, Nov. 2, 1981, as amended at 48 FR 46735, Oct. 14, 1983; 63 FR 50752, Sept. 23, 1998]

§ 319.59-2 Prohibited articles.

(a) The articles listed in paragraph (a)(1) of this section from the countries and localities listed in paragraph (a)(2) of this section are prohibited articles because of foreign strains of flag smut and are prohibited from being imported or offered for entry into the United States except as provided in paragraph (c) of this section.

(1)(i) Seeds, plants, and straw (other than straw, with or without heads and which have been processed or manufactured for use indoors, such as for decorative purposes or for use as toys), chaff, and products of the milling process (i.e., bran, shorts, thistle sharps, and pollards) other than flour of *Triticum* spp. (wheat) or of *Aegilops* spp. (barb goatgrass, goatgrass).

(ii) Seeds of *melilotus indica* (annual yellow sweetclover) and seeds of any other field crops that have been separated from wheat during the screening process.

(2) Afghanistan, Algeria, Armenia, Australia, Azerbaijan, Bangladesh, Belarus, Bulgaria, Chile, China, Cyprus, Egypt, Estonia, Falkland Islands, Georgia, Greece, Guatemala, Hungary, India, Iran, Iraq, Israel, Italy, Japan, Kazakistan, Kyrgyzstan, Latvia, Libya, Lithuania, Moldova, Morocco, Nepal,