

with or contains plant pests, and the inspector orders disinfection of the means of conveyance, then the person in charge or in possession of the means of conveyance shall disinfect the means of conveyance and its cargo in accordance with an approved method contained in the Plant Protection and Quarantine Treatment Manual under the supervision of an inspector and in a manner prescribed by the inspector, prior to any movement of the means of conveyance or its cargo. The Plant Protection and Quarantine Treatment Manual is incorporated by reference. For the full identification of this standard, see §300.1, "Materials incorporated by reference."

[54 FR 3580, Jan. 25, 1989]

§ 318.13–12 Posting of warning notice and distribution of baggage declarations.

(a) Before any aircraft moving to Guam from Hawaii, or any ship, vessel, or other surface craft from Hawaii arrives within the boundaries of the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States, the master, or other responsible officer thereof, shall cause to be distributed to each adult passenger thereon a baggage declaration⁷ to be furnished by the U.S. Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, and the quarantine and regulations in this subpart. These baggage declarations shall be executed and signed by the passengers and shall be collected and delivered by the master or other responsible officer of the ship, vessel, other surface craft, or aircraft, to the inspector on arrival at the quarantine or inspection area.

(b) Every person owning or controlling any dock, harbor, or landing field in Hawaii from which ships, vessels, other surface craft, or aircraft leave for ports in the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States shall post, and keep posted at all times, in one or more conspicuous places in passenger waiting rooms on or in said dock, harbor, or landing field a warning notice directing attention to the quarantine

and regulations in this subpart.⁸ Every master, or other responsible officer of any ship, vessel, other surface craft, or aircraft leaving Hawaii destined to a port in the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States shall similarly post, and keep posted at all times, such a warning notice in the ship, vessel, other surface craft, or aircraft under his charge.

[24 FR 10777, Dec. 29, 1959, as amended at 53 FR 12910, Apr. 20, 1988; 54 FR 391, Jan. 6, 1989. Redesignated and amended at 54 FR 3580, Jan. 25, 1989]

§ 318.13–13 Movements by the Department of Agriculture.

Notwithstanding any other restrictions of this subpart, articles subject to the requirements of the regulations in this subpart may be moved if they are moved:

(a) By the United States Department of Agriculture for experimental or scientific purposes;

(b) Pursuant to a Departmental permit issued for the article and kept on file at the port of departure;

(c) Under conditions specified on the Departmental permit and found by the Administrator to be adequate to prevent the spread of plant pests and diseases; and,

(d) With a Departmental tag or label bearing the number of the Departmental permit issued for the article securely attached to the outside of the container of the article or securely attached to the article itself if not in a container.

[54 FR 3580, Jan. 25, 1989]

§ 318.13–14 Parcel post inspection.

Inspectors are authorized in accordance with the postal laws and regulations and in cooperation with employees of the U.S. Post Office Department, to inspect parcel post packages placed in the mails in Hawaii and destined to other parts of the United States, to determine whether such packages contain fruits, vegetables, or other regulated articles, the movement of which is not authorized under this subpart, to examine such articles for plant pests,

⁷ Form No. PPQ 232.

⁸ An acceptable warning notice appears on Form PPQ-232.

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and to notify the postmaster in writing of any violation of this subpart or part 330 of this chapter in connection therewith.

[33 FR 14623, Oct. 1, 1968. Redesignated at 54 FR 3580, Jan. 25, 1989]

§318.13-15 Costs and charges.

Services of the inspector during regularly assigned hours of duty at the usual places of duty shall be furnished without cost to the one requesting such services. The Animal and Plant Health Inspection Service will not assume responsibility for any costs or charges, other than those indicated in this section, in connection with the inspection, treatment, conditioning, storage, forwarding, or any other operation of any character incidental to the physical movement of regulated articles or plant pests.

[33 FR 14623, Oct. 1, 1968, as amended at 36 FR 24917, Dec. 24, 1971. Redesignated at 54 FR 3580, Jan. 25, 1989, and further amended at 55 FR 38979, Sept. 24, 1990]

§318.13-16 Withdrawal of certificates, transit permits, limited permits, or compliance agreements.

Any certificate, transit permit, limited permit, or compliance agreement which has been issued or authorized may be withdrawn by an inspector orally or in writing, if such inspector determines that the holder thereof has not complied with all conditions under the regulations for the use of such document. If the cancellation is oral, the decision and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose certificate, transit permit, limited permit, or compliance agreement has been withdrawn may appeal the decision in writing to the Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the certificate, transit permit, or limited permit was wrongfully withdrawn. The Administrator shall grant or deny the appeal, in writing, stating the reasons for such decision, as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. Rules

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of practice concerning such a hearing will be adopted by the Administrator.

(Approved by the Office of Management and Budget under control number 0579-0088)

[52 FR 8865, Mar. 20, 1987. Redesignated at 54 FR 3580, Jan. 25, 1989, and further amended at 55 FR 38979, Sept. 24, 1990; 58 FR 7959, Feb. 11, 1993; 58 FR 40190, July 27, 1993; 59 FR 67133, Dec. 29, 1994]

§318.13-17 Transit of fruits and vegetables from Hawaii into or through the continental United States.

Fruits and vegetables from Hawaii otherwise prohibited movement from the State of Hawaii into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with this section and any other applicable provisions of this subpart. Any additional restrictions on such movement that would otherwise be imposed by part 301 of this chapter and §§318.30 and 318.30a of this part shall not apply.

(a) *Transit permit.* (1) A transit permit is required for the arrival, unloading, and movement into or through the continental United States of fruits and vegetables otherwise prohibited by this subpart from being moved into or through the continental United States from Hawaii. Application for a transit permit must be made in writing.⁹ The transit permit application must include the following information:

(i) The specific types of fruits and vegetables to be shipped (only scientific or English names are acceptable);

(ii) The means of conveyance to be used to transport the fruits and vegetables into or through the continental United States;

(iii) The port of arrival in the continental United States, and the location of any subsequent stop;

(iv) The location of, and the time needed for, any storage in the continental United States;

⁹ Applications for transit permits should be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236.