

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

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

(a) To prevent the introduction into the United States of foreign strains of flag smut and Karnal bunt, the importation of the articles designated in § 319.59-2(a) and (b) may not be imported into the United States except as provided in § 319.59-2(c).

(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 the article is not promptly safeguarded, removed from the United 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 414 of the Plant Protection Act (7 U.S.C. 7714).

[46 FR 54320, Nov. 2, 1981, as amended at 48 FR 46735 Oct. 14, 1983; 63 FR 31101, June 8, 1998; 66 FR 21056, Apr. 27, 2001]

§ 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 Protection Act and related legislation, quarantines, and regulations.

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; 66 FR 21057, Apr. 27, 2001]

§ 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, Kazakhstan, Kyrgyzstan, Latvia, Libya, Lithuania, Moldova, Morocco, Nepal, North Korea, Oman, Pakistan, Portugal, Romania, Russia, Spain, Tajikistan, Tanzania, Tunisia, Turkey, Turkmenistan, South Africa, South Korea, Ukraine, Uzbekistan, and Venezuela.

(b) The articles listed in paragraph (b)(1) of this section from the countries and locations listed in paragraph (b)(2) of this section are prohibited articles because of Karnal bunt:

(1) Seeds, plants, straw (other than straw without heads and which have been processed or manufactured into articles such as decorative wall hangings, clothing or toys), chaff, and products of the milling process (i.e., bran, shorts, thistle sharps, and pollards) other than flour of *Triticum* spp. (wheat).

(2) Afghanistan, India, Iraq, Mexico (except for that portion of the Mexicali Valley described in paragraph (b)(3) of this section) and Pakistan.

(3) The following area of the Mexicali Valley in Mexico has been determined to be free from Karnal bunt: Those portions of the municipality of Mexicali, in the State of Baja California, and the municipality of San Luis Rio Colorado, in the State of Sonora, that are included in the Distrito de Desarrollo Rural (Rural Development District) 002 Rio Colorado. Except for wheat (*Triticum* spp.) plants, which are prohibited importation under § 319.37-2(a) (see Poaceae) of this part, any articles described in paragraph (b)(1) of this section that are from that designated area may be imported into the United States subject to the following conditions:

(i) The articles are offered for entry at the port of Calexico, CA; and

(ii) The articles offered for entry are made available for examination by an inspector and remain at the port until released, or authorized further movement pending release, by an inspector; and

(iii) The articles are accompanied by a phytosanitary certificate issued by the Mexican national plant protection organization that certifies that the articles are from the area of the Mexicali Valley described in this paragraph and remained within that area prior to and during their movement to the United States.

(c) Any article listed as a prohibited article in paragraph (a) or (b) of this section may be imported or offered for entry into the United States if:

(1) Imported by the U.S. Department of Agriculture for experimental or scientific purposes;

(2) Imported at the Plant Germplasm Quarantine Center, Building 320, Beltsville Agricultural Center East, Beltsville, MD 20705 or at any port of entry with an asterisk listed in § 319.37-14(b) of this part.

(3) Imported pursuant to a Departmental permit issued for such article and kept on file at the Plant Germplasm Quarantine Center;

(4) Imported under conditions specified on the Departmental permit and found by the Deputy Administrator to