

## §319.75-2

Rico, and the Virgin Islands of the United States.

[46 FR 38334, July 27, 1981, as amended at 47 FR 3085, Jan. 22, 1982; 49 FR 1876, Jan. 16, 1984; 50 FR 8704, 8706, Mar. 5, 1985; 66 FR 21057, Apr. 27, 2001]

### §319.75-2 Restricted articles.<sup>1</sup>

(a) The following articles from the specified localities or countries are restricted articles:

(1) Seeds of the plant family Cucurbitaceae<sup>2</sup> if in shipments greater than two ounces, if not for propagation, and if from a country listed in paragraph (b) of this section;

(2) Brassware and wooden screens from Bombay, India;

(3) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted and moist) from Sudan or India;

(4) Plant gums shipped as bulk cargo (in an unpackaged state) if from a country listed in paragraph (b) of this section;

(5) Used jute or burlap bagging not containing cargo if from a country listed in paragraph (b) of this section;<sup>3</sup>

(6) Used jute or burlap bagging from a country listed in paragraph (b) of this section that contains cargo, and the cargo in such bagging;<sup>3</sup>

(7) Used jute or burlap bagging from a country listed in paragraph (b) of this section that is used as a packing material (such as filler, wrapping, ties, lin-

<sup>1</sup>The importation of restricted articles may be subject to prohibitions or restrictions under other provisions of 7 CFR part 319. For example, fresh whole chilies (*Capsicum* spp.) and fresh whole red peppers (*Capsicum* spp.) from Pakistan are prohibited from being imported into the United States under the provisions of 7 CFR 319.56 *et seq.*

<sup>2</sup>Seeds of the plant family Cucurbitaceae include but are not limited to: *Benincasa hispida* (wax gourd), *Citrullus Lanatus* (watermelon) *Cucumis melon* (muskmelon, cantaloup, honeydew), *Cucumis sativius* (cucumber), *Cucurbita pepo* (pumpkin, squashes, vegetable marrow), *Lagenaria siceraria* (calabash, gourd), *Luffa cylindrica* (dishcloth gourd), *Mormoridica charantia* (bitter melon), and *Sechium edule* (chayote).

<sup>3</sup>Such bagging may be subject to additional restrictions under the provisions in 7 CFR 319.8 *et seq.*

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ing, matting, moisture retention material, or protection material), and the cargo for which the used jute or burlap bagging is used as a packing material;<sup>3</sup> and

(8) Whole chilies (*Capsicum* spp.), whole red peppers (*Capsicum* spp.), and cumin seeds (*Cuminum cyminum*) in new jute or burlap bags from Pakistan.

(b) Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Sri Lanka, Sudan, Syria, Tunisia, Turkey, and Upper Volta.

[50 FR 8706, Mar. 5, 1985]

### §319.75-3 Permits.

(a) A restricted article may be imported only after issuance of a written permit by Plant Protection and Quarantine.

(b) An application for a written permit 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, at least 60 days prior to arrival of the article at the port of entry. The completed application shall include the following information:<sup>4</sup>

(1) Name, address, and telephone number of the importer;

(2) Approximate quantity and kinds of articles intended to be imported;

(3) Country or locality of origin;

(4) Country(ies) or locality(ies) where it is intended to be off-loaded prior to arrival in the United States;

(5) Intended U.S. port of entry;

(6) Means of transportation; and

(7) Expected date of arrival.

(c) A permit indicating the applicable conditions for importation under this subpart will be issued by Plant Protection and Quarantine Programs if, after review of the application, the articles are deemed eligible to be imported into the United States under the conditions

<sup>4</sup>Application forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236, or local offices which are listed in telephone directories.

specified in the permit. However, even if such a permit is issued, the regulated article may be imported only if all applicable requirements of this subpart are met and only if an inspector at the port of entry determines that no remedial measures pursuant to section 414 of the Plant Protection Act (7 U.S.C. 7714) are necessary with respect to the regulated article.<sup>5</sup>

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he/she determines that the holder thereof has not complied with any condition for the use of the document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. 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 shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for the decision as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

(Approved by the Office of Management and Budget under control number 0579-0049)

[46 FR 38334, July 27, 1981, as amended at 47 FR 3085, Jan. 22, 1982; 48 FR 57466, Dec. 30, 1983; 49 FR 1876, Jan. 16, 1984; 50 FR 8706, Mar. 5, 1985; 59 FR 67610, Dec. 30, 1994; 66 FR 21057, Apr. 27, 2001]

#### § 319.75-4 Treatments.<sup>6</sup>

A restricted article prior to movement into the United States from the port of entry shall be treated under the supervision of an inspector for possible infestation with khapra beetle as set forth below:

<sup>5</sup>An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

<sup>6</sup>There is a possibility that some articles, especially live plants, could be damaged by fumigation.

(a) Brassware; wooden screens; goat-skins; lambskins; sheepskins; plant gums; seeds of the plant family cucurbitaceae; jute or burlap bagging that contains cargo, and the cargo in such bagging (except for articles specified in paragraphs (b) and (c) of this section); and jute or burlap bagging that is used as a packing material, and the cargo for which the jute or burlap bagging is used as a packing material (except for articles specified in paragraphs (b) and (c) of this section).

(1) Fumigation with methyl bromide under a tarpaulin at normal atmospheric pressure in accordance with one of the following schedules:

(i) *40 g/m<sup>3</sup> (2½ lb/1000 ft<sup>3</sup>) for 12 hrs. at 32 °C (90 °F) or above.*

(20 g (oz) minimum gas concentration at 2-4 hrs.).

(15 g (oz) minimum gas concentration at 12 hrs.).

(ii) *56 g/m<sup>3</sup> (3½ lb/1000 ft<sup>3</sup>) for 12 hrs. at 26.5°-31.5 °C (80°-89 °F).*

(30 g (oz) minimum gas concentration at 2-4 hrs.).

(20 g (oz) minimum gas concentration at 12 hrs.).

(iii) *72 g/m<sup>3</sup> (4½ lb/1000 ft<sup>3</sup>) for 12 hrs. at 21°-26 °C (70°-79 °F).*

(40 g (oz) minimum gas concentration at 2-4 hrs.).

(25 g (oz) minimum gas concentration at 12 hrs.).

(iv) *96 g/m<sup>3</sup> (6 lb/1000 ft<sup>3</sup>) for 12 hrs. at 15.5°-20.5 °C (60°-69 °F).*

(50 g (oz) minimum gas concentration at 2-4 hrs.).

(30 g (oz) minimum gas concentration at 12 hrs.).

(v) *120 g/m<sup>3</sup> (7½ lb/1000 ft<sup>3</sup>) for 12 hrs. at 10°-15 °C (50°-59 °F).*

(60 g (oz) minimum gas concentration at 2-4 hrs.).

(35 g (oz) minimum gas concentration at 12 hrs.).

(vi) *144 g/m<sup>3</sup> (9 lb/1000 ft<sup>3</sup>) for 12 hrs. at 4.5°-9.5 °C (40°-49 °F).*

(70 g (oz) minimum gas concentration at 2-4 hrs.).

(40 g (oz) minimum gas concentration at 12 hrs.).

(2) Fumigation with methyl bromide in a chamber at normal atmospheric