

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(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he/she determines that the holder thereof has not complied with any condition for the use of the document.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 Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn.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.

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[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

pressure at 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.
- (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).
- (iii) 72 g/m<sup>3</sup> (4½ lb/1000 ft<sup>3</sup>) for 12 hrs. at 21°–26 °C (70°–79 °F).
- (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).
- (v) 160 g/m<sup>3</sup> (10 lb/1000 ft<sup>3</sup>) for 12 hrs. at 10°–15 °C (50°–59 °F).
- (vi) 192 g/m<sup>3</sup> (12 lb/1000 ft<sup>3</sup>) for 12 hrs. at 4.5°–9.5 °C (40°–49 °F).

(3) Fumigation with methyl bromide in a chamber at 660mm (26 inch) vacuum at one of the following schedules:

- (i) 128 g/m<sup>3</sup> (2½ lb/1000 ft<sup>3</sup>) for 3 hrs. at 15.5 °C (60 °F) or above.
- (ii) 144 g/m<sup>3</sup> (9 lb/1000 ft<sup>3</sup>) for 3 hrs. at 4.5°–15 °C (40°–59 °F).
- (iii) 160 g/m<sup>3</sup> (10 lb/1000 ft<sup>3</sup>) for 3 hrs. at –1°–4 °C (30°–39 °F).

NOTE: Maximum volume of commodity being treated under subsection (3) shall not exceed 75% of total volume of chamber.

(b) Burlap bagging and jute bagging not containing cargo; and flour or finely ground oily meals, and the jute or burlap bagging used as a container or packing material for such flour or meals.

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

- (i) 64 g/m<sup>3</sup> (4 lb/1000 ft<sup>3</sup>) for 24 hrs. at 32 °C (90 °F) or above.
- (10 g (oz) gas concentration in commodity at 4–24 hrs.).
- (35 g (oz) gas concentration in space at 4–12 hrs.).
- (25 g (oz) gas concentration in space at 12–24 hrs.).
- (ii) 96 g/m<sup>3</sup> (6 lb/1000 ft<sup>3</sup>) for 24 hrs. at 26.5°–31.5 °C (80°–89 °F).
- (15 g (oz) gas concentration in commodity at 4–24 hrs.).
- (50 g (oz) gas concentration in space at 4–12 hrs.).
- (30 g (oz) gas concentration in space at 12–24 hrs.).
- (iii) 128 g/m<sup>3</sup> (8 lbs/1000 ft<sup>3</sup>) for 24 hrs. at 21°–26 °C (70°–79 °F).
- (20 g (oz) gas concentration in commodity at 4–24 hrs.).
- (65 g (oz) gas concentration in space at 4–12 hrs.).

(35 g (oz) gas concentration in space at 12–24 hrs.).

(iv) 192 g/m<sup>3</sup> (12 lb/1000 ft<sup>3</sup>) for 24 hrs. at 15.5°–20.5 °C (60°–69 °F).

(30 g (oz) gas concentration in commodity at 4–24 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–24 hrs.).

(v) 192 g/m<sup>3</sup> (12 lb/1000 ft<sup>3</sup>) for 28 hrs. at 10°–15 °C (50°–59 °F).

(30 g (oz) gas concentration in commodity at 4–28 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–28 hrs.).

(vi) 192 g/m<sup>3</sup> (12 lb/1000 ft<sup>3</sup>) for 32 hrs. at 4.5°–9.5 °C (40°–49 °F).

(30 g (oz) gas concentration in commodity at 4–32 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–32 hrs.).

(2) Fumigation with methyl bromide in a chamber at normal atmospheric pressure at one of the following schedules:

- (i) 64 g/m<sup>3</sup> (4 lb/1000 ft<sup>3</sup>) for 24 hrs. at 32 °C (90 °F) or above.
- (ii) 96 g/m<sup>3</sup> (6 lb/1000 ft<sup>3</sup>) for 24 hrs. at 26.5°–31.5 °C (80°–89 °F).
- (iii) 128 g/m<sup>3</sup> (8 lbs/1000 ft<sup>3</sup>) for 24 hrs. at 21°–26 °C (70°–79 °F).
- (iv) 192 g/m<sup>3</sup> (12 lb/1000 ft<sup>3</sup>) for 24 hrs. at 15.5°–20.5 °C (60°–69 °F).
- (v) 192 g/m<sup>3</sup> (12 lb/1000 ft<sup>3</sup>) for 28 hrs. at 10°–15 °C (50°–59 °F).
- (vi) 192 g/m<sup>3</sup> (12 lb/1000 ft<sup>3</sup>) for 32 hrs. at 4.5°–9.5 °C (40°–49 °F).
- (3) Fumigation with methyl bromide in a chamber at 660 mm (26 inch) vacuum at one of the following schedules:
- (i) 128 g/m<sup>3</sup> (8 lb/1000 ft<sup>3</sup>) for 3 hrs. at 15.5 °C (60 °F) or above.
- (ii) 144 g/m<sup>3</sup> (9 lb/1000 ft<sup>3</sup>) for 3 hrs. at 4.5–15 °C (40°–59 °F).

NOTE: Maximum volume of commodity being treated under subsection (3) shall not exceed 75% of the total volume of chamber.

(c) Baled cotton lint, cotton linters, cotton waste, and cotton piece goods; and the jute or burlap bagging used as a container or packing material for such baled cotton lint, cotton linters, cotton waste, or cotton piece goods.

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

- (i) 128 g/m<sup>3</sup> (8 lb/1000 ft<sup>3</sup>) for 24 hours at 15.5 °C 60 °F or above
- (25 g (oz.) concentration in commodity 4-24 hrs.)
- (65 g (oz.) concentration in space 4-12 hrs.)
- (35 g (oz.) concentration in space 12-24 hrs.)
- (ii) 176 g/m<sup>3</sup> (11 lb/1000 ft<sup>3</sup>) for 24 hrs. at 4.5°-15 °C (40°-59 °F)
- (30 g (oz.) concentration in commodity 4-24 hrs.)
- (95 g (oz.) concentration in space 4-24 hrs.)
- (50 g (oz.) concentration in space 12-24 hrs.)

NOTE: Maximum volume of commodity being treated under subsection (1) shall not exceed 50% of the total volume of chamber. Concentration readings may be omitted for chamber fumigations.

(2) Fumigation with methyl bromide in a chamber at 660mm (26 inch) vacuum at one of the following schedules:

- (i) 128 g/m<sup>3</sup> (8 lb/1000 ft<sup>3</sup>) for 3 hrs. at 15.5 °C (60 °F) or above.
- (ii) 144 g/m<sup>3</sup> (9 lb/1000 ft<sup>3</sup>) for 3 hrs. at 4.5°-15 °C (40°-59 °F).

NOTE: Maximum volume of commodity being treated under subsection (2) shall not exceed 75% of the total volume of chamber.

[46 FR 38334, July 27, 1981, as amended at 49 FR 1876, Jan. 16, 1984; 50 FR 8706, Mar. 5, 1985]

#### § 319.75-5 Marking and identity.

(a) Any restricted article at the time of importation shall plainly and correctly bear on the outer container (if in a container) or on the restricted article (if not in a container) the following information:

- (1) General nature and quantity of the contents,
- (2) Country or locality of origin,
- (3) Name and address of shipper, owner, or person shipping or forwarding the article,
- (4) Name and address of consignee,
- (5) Identifying shipper's mark and number, and

(b) Any restricted article shall be accompanied at the time of importation

by an invoice or packing list indicating the contents of the shipment.

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[46 FR 38334, July 27, 1981, as amended at 47 FR 3085, Jan. 22, 1982; 48 FR 57466, Dec. 30, 1983]

#### § 319.75-6 Arrival notification.

Promptly upon arrival of any restricted article at a port of entry, the importer shall notify Plant Protection and Quarantine of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

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[46 FR 38334, July 27, 1981, as amended at 48 FR 57466, Dec. 30, 1983]

#### § 319.75-7 Costs and charges.

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.<sup>3</sup> The importer shall be responsible for arrangements for treatments required under § 319.75-4. Any treatment required under § 319.75-4 for a restricted article shall be performed at the port of entry by a nongovernmental fumigator at the importer's expense, and shall be performed under the supervision of an inspector. Plant Protection and Quarantine will not be responsible for any costs or charges, other than those indicated in this section.

[46 FR 38334, July 27, 1981]

#### § 319.75-8 Ports of entry.

Any restricted article shall be imported only at a port of entry listed in § 319.37-14 of this part and found by the Deputy Administrator and specified on the permit issued pursuant to § 319.75-3 to have a nongovernmental fumigator available at the port to treat such restricted article pursuant to § 319.75-4. It is the responsibility of the importer to

<sup>3</sup>Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.