

bearing the name of the person to whom the permit is issued.

(Approved by the Office of Management and Budget under control number 0579-0072)

[50 FR 24172, June 10, 1985, as amended at 59 FR 67133, Dec. 29, 1994; 66 FR 21057, Apr. 27, 2001]

#### § 319.76-1 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:

*Bee.* Any member of the superfamily Apoidea.

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

*Exotic bee diseases.* Bee diseases of foreign origin, including but not limited to *Aspergillus* spp., *Bacillus* spp., *Entomophthora* spp., *Beauveria* spp., *Cordyceps* spp., and *Saccharomyces* spp.

*Exotic bee parasites.* Bee parasites of foreign origin, including but not limited to *Coelioxys* spp. and *Chrysis* spp., *Varroa jacobsoni*, *Eugarroa sinhai*, *Tropilaelaps clareae*, and *Acarapis woodi*.

*Import (importation, imported).* To import or move into the United States.

*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 this subpart.

*Person.* Any individual, corporation, company, society, association, or any other organized group.

*Plant pest.* The egg, pupal, and larval stages as well as any other living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, or other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any

plants or parts thereof, or any processed, manufactured, or other products of plants.

*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.

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

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

[50 FR 24172, June 10, 1985, as amended at 66 FR 21057, Apr. 27, 2001]

#### § 319.76-2 Restricted articles.

The following articles from any country or locality other than Canada are restricted articles:

- (a) Live bees, other than honeybees of the genus *Apis*, in any life stage;<sup>1</sup>
- (b) Dead bees of any genus;
- (c) Used bee boards, hives, nests, and nesting material;
- (d) Used beekeeping equipment, e.g. smokers, hive tools, gloves or other clothing, and shipping containers;
- (e) Beeswax, unless it has been liquefied;
- (f) Pollen for bee feed; and
- (g) Honey for bee feed.

[50 FR 24172, June 10, 1985, as amended at 60 FR 6000, Feb. 1, 1995]

#### § 319.76-3 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 must be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Biological Assessments and Taxonomic

<sup>1</sup>Regulations regarding the importation of live honeybees of the genus *Apis* are set forth in 7 CFR part 322.

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Support, 4700 River Road Unit 133, Riv-  
erdale, Maryland 20737-1236, and should  
be submitted at least 30 days prior to  
arrival of the article at the U.S. port of  
entry. The completed application does  
not have to be on any particular form  
but must indicate that it is an applica-  
tion for a written permit, and include  
the following information:

- (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) Intended United States port of  
entry;
- (5) Means of transportation; and
- (6) Expected date of arrival.

(c) A permit indicating the applicable  
conditions for importation under this  
subpart will be issued by Plant Protec-  
tion and Quarantine Programs if, after  
review of the application, the articles  
are deemed eligible to be imported into  
the United States under the conditions  
specified in the permit. However, even  
if such a permit is issued, the regulated  
article may be imported only if all ap-  
plicable requirements of this subpart  
are met and only if an inspector at the  
port of entry determines that no reme-  
dial measures pursuant to section 414  
of the Plant Protection Act (7 U.S.C.  
7714) are necessary with respect to the  
regulated article.<sup>2</sup>

(d) Any permit which has been issued  
may be withdrawn by an inspector or  
the Deputy Administrator if he or she  
determines that the permit holder has  
not complied with any condition for  
the use of the permit. The reasons for  
the withdrawal shall be confirmed in  
writing as promptly as circumstances  
allow. Any person whose permit has  
been withdrawn may appeal the deci-  
sion in writing to the Deputy Adminis-  
trator within 20 days after receiving  
the written notification of the with-  
drawal. The appeal must 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

<sup>2</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 Protec-  
tion Act (7 U.S.C. 7714, 7731, and 7754).

appeal in writing, stating the reasons  
for the decision, as promptly as cir-  
cumstances allow. If there is a conflict  
as to any material fact, a hearing shall  
be held to resolve the conflict.

(Approved by the Office of Management and  
Budget under control number 0579-0072)

[50 FR 24172, June 10, 1985, as amended at 59  
FR 67610, Dec. 30, 1994; 66 FR 21057, Apr. 27,  
2001]

§ 319.76-4 Inspections and treatments.

(a) Live bees, other than honeybees  
of the genus *Apis*, in any life stage  
shall be microscopically inspected by  
an inspector for exotic bee diseases and  
parasites, and any bee disease or para-  
site found will be physically removed  
by an inspector or destroyed by an in-  
spector by treatment with a pesticide  
registered by the Environmental Pro-  
tection Agency under the Federal In-  
secticide, Fungicide, and Rodenticide  
Act, as amended (7 U.S.C. 135 *et seq.*),  
for use on bees and used in accordance  
with directions on the label in connec-  
tion with the registration under the  
provisions of the Federal Insecticide,  
Fungicide, and Rodenticide Act, as  
amended. The inspection may include  
dissection of a statistically designed  
representative sample of the bees, if  
deemed necessary by the inspector for  
determinations concerning the absence  
or presence of bee diseases or parasites.  
If the inspector determines that a dis-  
ease or parasite cannot be removed or  
otherwise destroyed, the bees shall be  
killed by immersion in a solution con-  
taining at least 70% alcohol.

(b) Any dead bees for research at the  
time of importation must be in a solu-  
tion containing at least 70% alcohol, or  
must be in a dry, sealed container. If in  
a dry, sealed container, the dead bees  
shall be kept in the container under  
the control of an inspector at the port  
of entry for 7 days.

(c) Any restricted article not covered  
by paragraph (a) or (b) of this section,  
prior to movement into the United  
States from the port of entry, shall be  
treated under the supervision of an in-  
spector as follows:

- (1) Dead bees; used bee boards, hives,  
nests, or nesting material; used bee-  
keeping equipment; and pollen for bee  
feed shall be treated in an airtight  
chamber with 450 mg of ethylene oxide