

§ 318.13-4h

compliance with the provisions of this section.

[59 FR 66642, Dec. 28, 1994]

§ 318.13-4h [Reserved]

§ 318.13-4i Administrative instructions; conditions governing the movement of green bananas from Hawaii.

Green bananas (*Musa* spp.) of the cultivars "Williams," "Valery," "Grand Nain," and standard and dwarf "Brazilian" may be moved interstate from Hawaii with a certificate issued in accordance with §§ 318.13-3 and 318.13-4 of this subpart if the bananas meet the following conditions:

(a) The bananas must be picked while green and packed for shipment within 24 hours after harvest. If the green bananas will be stored overnight during that 24-hour period, they must be stored in a facility that prevents access by fruit flies;

(b) No bananas from bunches containing prematurely ripe fingers (i.e., individual yellow bananas in a cluster of otherwise green bananas) may be harvested or packed for shipment;

(c) The bananas must be inspected by an inspector and found free of plant pests as well as any of the following defects: prematurely ripe fingers, fused fingers, or exposed flesh (not including fresh cuts made during the packing process); and

(d) The bananas must be safeguarded from fruit fly infestation from the time that they are packaged for shipment until they reach the port of arrival on the mainland United States.

[63 FR 65648, Nov. 30, 1998]

§ 318.13-5 Application for inspection.

Persons intending to move any articles that may be certified in accordance with the provisions of § 318.13-4 shall make application for inspection or treatment on forms provided for this purpose as far as possible in advance of the contemplated date of shipment. They will also be required to prepare, handle, and safeguard such articles from infestation or reinfestation, and to assemble them at such points as the inspector may designate, placing them so that inspection may be readily

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made. Blank forms⁶ for use in making applications for inspections will be furnished free upon request to the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Honolulu, Hawaii.

[33 FR 14622, Oct. 1, 1968, as amended at 36 FR 24917, Dec. 24, 1971; 53 FR 12910, Apr. 20, 1988; 54 FR 391, Jan. 6, 1989; 55 FR 38979, Sept. 24, 1990]

§ 318.13-6 Container marking and identity.

Except as provided in § 318.13-17(c) of this subpart, shipments of regulated articles moved in accordance with this subpart must have the following information clearly marked on each container, or, for shipments of multiple containers or bulk products, on the waybill, manifest, or bill of lading accompanying the articles: Nature and quantity of contents; name and address of shipper, owner, or person shipping or forwarding the articles; name and address of consignee; shipper's identifying mark and number; and, the number of the certificate or limited permit authorizing movement, if one was issued.

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

[58 FR 7959, Feb. 11, 1993, as amended at 59 FR 67133, Dec. 29, 1994]

§ 318.13-7 Products as ships' stores or in the possession of passengers or crew.

(a) *In the possession of passengers or crew members.* Small quantities of fruits, vegetables, and cut flowers, subject to the quarantine and regulations in this subpart, when loose and free of packing materials, may be taken aboard any aircraft moving to Guam, ship, vessel, or other surface craft by passengers or members of the crew without inspection and certification in Hawaii. However, if such articles so taken aboard, are not eligible for inspection and certification under § 318.13-4(a), they must be entirely consumed or disposed of before arrival within the territorial waters of the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States.

⁶Form PQ-170.

(b) *As ship's stores or decorations.* Fruits, vegetables, and cut flowers subject to the quarantine and regulations in this subpart may be taken aboard an aircraft moving from Hawaii to Guam, or a ship, vessel, or other surface craft in Hawaii without inspection or certification. Fruits, vegetables, and cut flowers that are so taken aboard such a carrier must be either (1) entirely consumed or removed from the aircraft moving from Hawaii to Guam, or the ship, vessel, or other surface craft before arrival within the territorial waters of the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States; or (2) in the case of a surface carrier, retained aboard such carrier under seal or otherwise disposed of subject to safeguards equivalent to those imposed on other prohibited or restricted products by § 352.10 (b) and (c) of this chapter.

[24 FR 10777, Dec. 29, 1959, as amended at 31 FR 999, Jan. 26, 1966; 54 FR 3578, Jan. 25, 1989]

§ 318.13-8 Articles and persons subject to inspection.

Persons, means of conveyance (including ships, other ocean-going craft, and aircraft), baggage, cargo, and any other articles, that are destined for movement, are moving, or have been moved from Hawaii to the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States are subject to agricultural inspection at the port of departure, the port of arrival, and/or any other authorized port. If an inspector finds any article prohibited movement by the quarantine and regulations of this subpart, he or she, taking the least drastic action, shall order the return of the article to the place of origin, or the exportation of the article, under safeguards satisfactory to him or her, or otherwise dispose of it, in whole or part, to comply with the quarantine and regulations of this subpart.

[54 FR 3578, Jan. 25, 1989, as amended at 58 FR 7959, Feb. 11, 1993]

§ 318.13-9 Inspection of means of conveyance.

(a) *Inspection of aircraft prior to departure.* No person shall move any aircraft from Hawaii to the continental United States, Puerto Rico, or the Virgin Is-

lands of the United States, unless the person moving the aircraft has contacted an inspector and offered the inspector the opportunity to inspect the aircraft prior to departure and the inspector has informed the person proposing to move the aircraft that the aircraft may depart.

(b) *Inspection of aircraft moving to Guam.* Any person who has moved an aircraft from Hawaii to Guam shall contact an inspector and offer the inspector the opportunity to inspect the aircraft upon the aircraft's arrival in Guam, unless the aircraft has been inspected and cleared in Hawaii prior to departure in accordance with arrangements made between the operator of the aircraft, the Animal and Plant Health Inspection Service, and the government of Guam.

(c) *Inspection of ships upon arrival.* Any person who has moved a ship or other ocean-going craft from Hawaii to the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States shall contact an inspector and offer the inspector the opportunity to inspect the ship or other ocean-going craft upon its arrival.

[54 FR 3578, Jan. 25, 1989]

§ 318.13-10 Inspection of baggage, other personal effects, and cargo.

(a) *Offer for inspection by aircraft passengers.* Passengers destined for movement by aircraft from Hawaii to the continental United States, Puerto Rico, or the Virgin Islands of the United States shall offer their carry-on baggage and other personal effects for inspection at the place marked for agricultural inspections, which will be located at the airport security checkpoint or the aircraft boarding gate, at the time they pass through the checkpoint or the gate. Passengers shall offer their check-in baggage for inspection at agricultural inspection stations prior to submitting their baggage to the check-in baggage facility. When an inspector has inspected and passed such baggage or personal effects, he or she shall apply a USDA stamp, inspection sticker, or other identification to such baggage or personal effects to indicate that such baggage or personal effects have been inspected and passed as required. Passengers shall disclose