

through the United States under Customs bond.

(f) *Shipping areas.* Avocados moved by truck or rail car may transit only that area of the United States bounded on the west and south by a line extending from El Paso, Texas, to Salt Lake City, Utah, to Portland, Oregon, and due west from Portland; and on the east and south by a line extending from Brownsville, Texas, to Galveston, Texas, to Kinder, Louisiana, to Memphis, Tennessee, to Louisville, Kentucky, and due east from Louisville. All cities on these boundary lines are included in this area. If the avocados are moved by air, the aircraft may not land outside this area. Avocados that enter the United States at Nogales, Arizona, must be moved to El Paso, Texas, by the route specified on the formal permit.

[52 FR 27671, July 23, 1987, as amended at 54 FR 43167, Oct. 23, 1989]

§ 352.30 Administrative instructions: Certain oranges, tangerines, and grapefruit from Mexico.

The following provisions shall apply to the movement into or through the United States under this part of oranges, tangerines, and grapefruit from Mexico in transit to foreign countries via United States ports on the Mexican border.

(a) *Untreated fruit; general*—(1) *Permit and notice of arrival required.* The owner shall, in advance of shipment of untreated oranges, tangerines, or grapefruit from Mexico via United States ports to any foreign country, procure a formal permit as provided in § 352.6, or application for permit may be submitted to the inspector at the port in the United States through which the shipment will move. Notice of arrival of such fruit shall be submitted as required by § 352.7.

(2) *Origin: period of entry.* Such fruit may enter from any State in Mexico throughout the year, in accordance with requirements of this section and other applicable provisions in this part.

(3) *Cleaning refrigerator cars and aircraft prior to return to the United States from Canada.* Refrigerator cars and aircraft that have been used to transport untreated oranges, tangerines, or grapefruit from Mexico through the

United States to Canada shall be carefully swept and freed from all fruit, as well as boxes and rubbish, by the carrier involved prior to reentry into the United States.

(4) *Inspection; safeguards.* (i) Each shipment under paragraph (a) of this section shall be subject to such inspections and safeguards as are required by this section and such others as may be prescribed by the inspector pursuant to § 352.10.

(ii) Truck loads of untreated oranges, tangerines, and grapefruit arriving from Mexico at authorized ports in the United States for loading into refrigerator cars, aircraft, or ships for movement to a foreign country shall be preinspected by an inspector for freedom from citrus leaves before entry into the United States or be accompanied by an acceptable certificate from an inspector as to such freedom. Trucks loaded with such untreated fruit that are not free of such leaves will be denied entry into the United States. Loaded trucks free of such leaves shall be conveyed by an inspector from point of arrival in the United States to the point of unloading, or shall move under such other safeguards as the inspector shall prescribe.

(iii) All trucks, refrigerator cars, aircraft, and ships used to transport untreated fruit from Mexico through the United States to a foreign country under this paragraph (a) shall be subject to such treatment at the port of first arrival and elsewhere as may be required by the inspector, pursuant to this part, in order to prevent plant pest dissemination.

(b) *Additional conditions for overland movement of certain untreated fruit.* Untreated oranges, tangerines, and grapefruit from Mexico may move overland through the United States to a foreign country only in accordance with the following additional conditions:

(1) *Containers.* Such fruit shall be packed in containers of approximately the size customarily used by the trade for marketing such fruit in the United States.

(2) *Ports of entry.* Such fruit may enter only at Nogales, Arizona; or Eagle Pass, El Paso, or Laredo, Texas.

(3) *Carrier*—(i) *Railway cars.* Refrigerator cars, in good condition, of

United States or Canadian ownership only shall be used to transport such fruit by railway through the United States to Canada or other foreign country.

(ii) *Aircraft.* Aircraft may be used to transport such fruit from the ports named in paragraph (b)(2) of this section to points in Canada.

(iii) *Trucks.* Trucks may be used to haul such fruit from Mexico to shipside, or to approved refrigerated storage pending lading aboard ship, in Galveston, or alongside refrigerator cars or aircraft at the ports named in paragraph (b)(2) of this section for movement to a foreign country. Such trucks shall be of the van-type and shall be kept closed from time of entry into the United States until unloading is to commence; or the load shall be covered with a tarpaulin tightly tied down which shall not be removed or loosened from time of entry into the United States until unloading is to commence. Trucks may not be used otherwise to transport such fruit from Mexico overland through the United States.

(4) *Bonded rail movement—(i) Routing.* Shipments of such fruit may move by direct route, in Customs bond and under Customs seal, without diversion or change of Customs entry en route, from the port of entry to the port of exit en route to Canada or to an approved North Atlantic port in the United States for export to another foreign country, as follows: The fruit may be entered at Nogales, Arizona, only for direct rail routing to El Paso, Texas, after which it shall traverse only the territory bounded on the west by a line drawn from El Paso, Texas, to Salt Lake City, Utah, and then to Portland, Oregon, and on the east by a line drawn from Brownsville, Texas, through Galveston, Texas, and Kinder, Louisiana, to Memphis, Tennessee, and then to Louisville, Kentucky, and due east therefrom, such territory to include railroad routes from Brownsville to Galveston and direct northward routes therefrom. Such fruit may also enter the United States from Mexico at any port listed in paragraph (b)(2) of this section for direct eastward rail movement in Customs bond and under Customs seal, without diversion en route, for reentry into Mexico.

(ii) *Icing.* All refrigerator cars transporting such fruit from States in Mexico other than Sonora shall be iced prior to crossing at Brownsville, Eagle Pass, El Paso, or Laredo, Texas, and shall be re-iced if necessary to prevent plant pest dissemination south of Little Rock, Arkansas, or a line drawn east and west therefrom. North of such a line no further icing is required. Icing, insofar as this part requires, may be omitted if all openings leading from the car to the ice bunkers are covered with a 14-mesh fly screen in a manner satisfactory to the inspector. All such cars must move through the United States with all doors closed and sealed.

(5) *Bonded air cargo movement.* Shipments of such fruit may move by direct route as air cargo, in Customs bond and without change of Customs entry while in the United States en route from the port of entry, to Canada. If an emergency occurs en route to the port of export that will require transshipment to another carrier, the owner should apply to the Plant Protection and Quarantine Programs⁴ for information as to applicable conditions.

(c) *Additional conditions for movement of certain untreated fruit by water route.* Untreated oranges, tangerines, and grapefruit from Mexico may move from Mexico to a foreign country by water route through the United States under this section only in accordance with the following additional conditions:

(1) *Ports of entry.* Such oranges, tangerines, and grapefruit may enter only at New York, Boston, or such other North Atlantic ports in the United States as may be named in permits, for exportation, or at Galveston, Texas, for exportation by water route.

(2) *Routing through North Atlantic ports.* Such fruit entering via North Atlantic ports in the United States shall move by direct water route to New York or Boston, or to such other North Atlantic ports as may be named in the permit only for immediate direct export by water route to any foreign

⁴The Deputy Administrator, Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, DC 20250.

country, or for immediate transportation and exportation in Customs bond by direct rail route to Canada.

(3) *Exportation from Galveston by water.* (i) Such fruit laden in refrigerated holds for export from Galveston shall be stowed in closed compartments if the ship is to call at other Gulf or South Atlantic ports in the United States. The compartments are not to be opened while in such other Gulf or South Atlantic ports.

(ii) Such fruit for export from Galveston, not laden in refrigerated holds, shall be stowed in closed compartments separate from other cargoes. Bulkheads of such compartments shall be kept closed. Hatches containing such fruit shall be closed and the tarpaulin battened down and sealed with Plant Protection and Quarantine Programs seals. Such seal shall remain unbroken while the ship is in any such Gulf or South Atlantic port or waters. Vents and ventilators leading to compartments in which the fruit is stowed must be screened with fine mesh screening. Advance notice of arrival of ships carrying untreated Mexican oranges, tangerines, or grapefruit shall be given to the inspector at such Gulf or South Atlantic ports of call.

(d) *Restriction on diversion or change of Customs entry.* Diversion or change of Customs entry shall not be permitted with movements authorized under paragraph (b) (4) or (5) or paragraph (c) of this section and the inspector at the original port of Customs entry shall appropriately endorse the Customs documents to show that fact: *Provided*, That the inspector at such port of entry may, when consistent with the purposes of this part, approve diversion or change of Customs entry to permit movement to a different foreign country or entry into the United States subject to all other applicable requirements under this part or part 319 of this chapter. If diversion or change of Customs entry is desired at a Customs port in the United States where there is no inspector, the owner may apply to the Plant Protection and Quarantine Programs for information as to applicable conditions. If diversion or change of entry is approved at such a port, confirmation will be given by the Plant Protection and Quarantine Programs

to appropriate Customs officers and Plant Protection and Quarantine Programs inspectors.

(e) *Untreated fruit from certain municipalities in Sonora, Mexico.* Oranges, tangerines, and grapefruit in transit to foreign countries may be imported from certain municipalities in Sonora, Mexico listed in §319.56-2(h) of this chapter in accordance with the applicable conditions in subpart 319.56.

(f) *Treated fruit.* Oranges, tangerines, and grapefruit from Mexico which have been treated in Mexico in accordance with §319.56-2f of this chapter may be imported through the United States ports for exportation in accordance with §§319.56 and 319.56-1 through 319.56-8 of this chapter.

(g) *Costs.* Costs shall be borne by the owner of the fruit as provided in §352.14. This includes all costs for preinspection and conveying of loaded trucks and supervision of transloading from trucks to approved carriers or storage in United States ports when augmented inspection service has to be provided for such preinspection, conveying, and supervision.

[25 FR 1929, Mar. 5, 1960, as amended at 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972; 55 FR 23066, June 6, 1990; 56 FR 13066, Mar. 29, 1991; 67 FR 46578, July 16, 2002]

PART 353—EXPORT CERTIFICATION

Sec.

- 353.1 Definitions.
- 353.2 Purpose and administration.
- 353.3 Where service is offered.
- 353.4 Products covered.
- 353.5 Application for certification.
- 353.6 Inspection.
- 353.7 Certificates.
- 353.8 Accreditation of non-government facilities.
- 353.9 Standards for accreditation of non-government facilities to perform laboratory seed health testing and seed crop phytosanitary inspection.

AUTHORITY: 7 U.S.C. 7711, 7712, 7718, 7751, and 7754; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 61 FR 15368, Apr. 8, 1996, unless otherwise noted.

§353.1 Definitions.

Administrator. The Administrator, Animal and Plant Health Inspection