

§ 318.58-5

before issuing a certificate. The inspector on the mainland will release the shipment on the basis of the certificate issued in Puerto Rico.

(d) The movement from Puerto Rico of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the Deputy Administrator of the Plant Protection and Quarantine Programs, be destroyed by freezing.

(e) Freezing of fruits and vegetables as authorized in these instructions is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for movement in accordance with these instructions.

[24 FR 10777, Dec. 29, 1959. Redesignated at 54 FR 3581, Jan. 25, 1989; 68 FR 2684, Jan. 21, 2003]

§ 318.58-5 Application for inspection.

Persons intending to move any of the products for which certification is required under § 318.58-3 shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application shall show the quantity of the products which it is proposed to move, their identifying marks and numbers, their exact location, and the contemplated date of shipment. Forms on which to make application for inspection will be furnished, upon request, by the United States Department of Agriculture, Plant Protection and Quarantine Programs.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 36 FR 24917, Dec. 24, 1971. Redesignated at 54 FR 3580, Jan. 25, 1989]

§ 318.58-6 Marking of containers.

No products for which certification is required under § 318.58-3 shall be moved unless the crate, box, bale, or other container thereof is so marked with the marks and numbers given on the

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application that it may be identified at the port of first arrival.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963]

§ 318.58-7 Products as ships' stores or in the possession of passengers and crew.

The movement of products is permitted from Puerto Rico or the Virgin Islands of the United States as ships' stores or in the possession of passengers and crew on ships or other ocean-going craft plying between Puerto Rico or the Virgin Islands of the United States and any other State, Territory, or District of the United States or aircraft moving from Puerto Rico or the Virgin Islands of the United States to Guam: *Provided*, That all such products shall upon arrival in Hawaii, Guam, or the continental United States be submitted for inspection and disposition as provided in § 318.58-8, they must be free from infestation with injurious insects; those products not listed in § 318.58-3 shall not be landed; and prohibited products retained aboard shall be subject to the safeguards provided in § 352.8 of this chapter.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 54 FR 3581, Jan. 25, 1989; 58 FR 7962, Feb. 11, 1993]

§ 318.58-8 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 Puerto Rico or the Virgin Islands of the United States to any other State, Territory, or District 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