

for a shipment of more than one container of for bulk products, the certificate or limited permit shall be attached to or stamped on the accompanying waybill, manifest, or bill of lading.

[33 FR 14621, Oct. 1, 1968, as amended at 52 FR 8864, Mar. 20, 1987; 54 FR 3578, Jan. 25, 1989; 55 FR 38979, Sept. 24, 1990; 58 FR 7959, Feb. 11, 1993; 59 FR 66641, Dec. 28, 1994; 62 FR 36974, July 10, 1997; 68 FR 5802, Feb. 5, 2003; 71 FR 4462, Jan. 27, 2006]

§318.13-4 Conditions governing the issuance of certificates or limited permits.

Certificates or limited permits may be issued for the movement of articles allowed movement in accordance with the regulations in this subpart under the following conditions:

(a) *Certification on basis of inspection or nature of lot involved.* Regulated articles designated in §318.13-2(b) may be certified when they have been inspected by an inspector and found apparently free from infestation and infection, or without such inspection when the inspector determines that the lot for shipment is of such a nature that no danger of infestation or infection is involved.

(b) *Certification on basis of treatment.* Fruits, vegetables, and other products designated in §318.13, which are not listed in §318.13-2(b) and for which treatments may be approved by the Administrator of the Animal and Plant Health Inspection Service, may be certified if such treatments have been applied under the observation of an inspector in accordance with administratively approved procedure and if the articles were handled after such treatment in accordance with conditions prescribed in a compliance agreement executed by the applicant for the certificate or were handled after such treatment under such supervision of an inspector as the inspector may require. Any treatment that may be approved must be applied at the expense of the shipper, owner, or person in charge of such articles. The Department of Agriculture or its inspector will not be responsible for loss or damage resulting from any treatment prescribed or supervised.

(c) *Limited permits.* (1) Limited permits may be issued by an inspector for the movement of noncertified regulated articles designated in §318.13-3(b) of this subpart.

(2) Limited permits may be issued by an inspector for the movement of fruits, vegetables, or other products otherwise prohibited movement under this subpart, if the articles are to be moved in accordance with §318.13-17 of this subpart.

(3) Except when the regulations specify an inspector must issue the limited permit, limited permits may be issued by a person operating under a compliance agreement.

(d) *Compliance agreements.* As a condition of issuance of a limited permit under paragraph (c)(3) of this section, or a certificate under paragraph (b) of this section for the movement of regulated articles for which a compliance agreement is required, the person applying for the permit or certificate must sign a compliance agreement stipulating that he will use all such permits or certificates issued to him in accordance with the provisions thereof and of the compliance agreement; will maintain at his establishment such safeguards against the establishment and spread of infestation and infection and comply with such conditions as to the maintenance of identity, handling (including post treatment handling), and interstate movement of regulated articles under such permits or certificates and the cleaning and treatment of means of conveyance and containers used in such movement of the articles, as may be required by the inspector in each specific case to prevent the spread of infestation or infection; and will allow inspectors to inspect the establishment and operations thereof.

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

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