

**PART 340—INTRODUCTION OF ORGANISMS AND PRODUCTS ALTERED OR PRODUCED THROUGH GENETIC ENGINEERING WHICH ARE PLANT PESTS OR WHICH THERE IS REASON TO BELIEVE ARE PLANT PESTS**

Sec.

340.0 Restrictions on the introduction of regulated articles.

340.1 Definitions.

340.2 Groups of organisms which are or contain plant pests and exemptions.

340.3 Notification for the introduction of certain regulated articles.

340.4 Permits for the introduction of a regulated article.

340.5 Petition to amend the list of organisms.

340.6 Petition for determination of nonregulated status.

340.7 Marking and identity.

340.8 Container requirements for the movement of regulated articles.

340.9 Cost and charges.

AUTHORITY: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 52 FR 22908, June 16, 1987, unless otherwise noted.

**§340.0 Restrictions on the introduction of regulated articles.**

(a) No person shall introduce any regulated article unless the Administrator is:

(1) Notified of the introduction in accordance with §340.3, or such introduction is authorized by permit in accordance with §340.4, or such introduction is conditionally exempt from permit requirements under §340.2(b); and

(2) Such introduction is in conformity with all other applicable restrictions in this part.<sup>1</sup>

<sup>1</sup>Part 340 regulates, among other things, the introduction of organisms and products altered or produced through genetic engineering that are plant pests or are believed to be plant pests. The introduction into the United States of such articles also may be subject to other regulations promulgated under the Plant Protection Act (7 U.S.C. 7701–7772) and found in 7 CFR parts 319, 330, and 360. For example, under regulations promulgated in “Subpart-Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products” (7 CFR 319.37–3), a permit is required for the importation of certain classes of nursery stock whether such stock is ge-

(b) Any regulated article introduced not in compliance with the requirements of this part shall be subject to the immediate application of such remedial measures or safeguards as an inspector determines necessary to prevent the introduction of such plant pests.<sup>2</sup>

[52 FR 22908, June 16, 1987, as amended at 58 FR 17056, Mar. 31, 1993; 62 FR 23956, May 2, 1997; 66 FR 21058, Apr. 27, 2001]

**§340.1 Definitions.**

Terms used in the singular form in this part shall be construed as the plural, and vice versa, as the case may demand. The following terms, when used in this part, shall be construed, respectively, to mean:

*Administrator.* The Administrator of the Animal and Plant Health Inspection Service (APHIS) or any other employee of APHIS to whom authority has been or may be delegated to act in the Administrator’s stead.

*Animal and Plant Health Inspection Service (APHIS).* An agency of the United States Department of Agriculture.

*Antecedent organism.* An organism that has already been the subject of a determination of nonregulated status by APHIS under §340.6, and that is used as a reference for comparison to the regulated article under consideration under these regulations.

*Courtesy permit.* A written permit issued by the Administrator, in accordance with §340.4(h).

*Donor organism.* The organism from which genetic material is obtained for transfer to the recipient organism.

*Environment.* All the land, air, and water; and all living organisms in association with land, air and water.

*Expression vector.* A cloning vector designed so that a coding sequence inserted at a particular site will be transcribed and translated into protein.

netically engineered or not. Accordingly, individuals should refer to those regulations before importing any nursery stock.

<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 411, 412, 421, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7731, and 7754).