

§ 318.58-14 *Special provisions for pre-flight inspection in Puerto Rico or the Virgin Islands of aircraft, cargo, etc.*

CODIFICATION: In § 318.58-14, "Guam" was added after "Alaska", 23 F. R. 7165, Sept. 17, 1958.

SUBPART—SAND, SOIL, OR EARTH, WITH PLANTS FROM TERRITORIES AND DISTRICTS¹

§ 318.60 *Notice of quarantine.*

CODIFICATION: In paragraph (d) of § 318.60, "Guam" was added after "Alaska", 23 F. R. 7163, Sept. 17, 1958.

Part 319—Foreign Quarantine Notices

Subpart—Foreign Cotton and Covers

QUARANTINE

Sec.
319.8 Notice of quarantine. [Amended]

REGULATIONS; GENERAL

319.8-1 Definitions. [Amended]

CONDITIONS OF IMPORTATION AND ENTRY OF COTTON AND COVERS

319.8-2 Permit procedure. [Amended]

319.8-3 Refusal and cancellation of permits. [Amended]

319.8-4 Notice of arrival. [Revised]

OTHER CONDITIONS APPLICABLE TO COTTON AND COVERS FROM MEXICO

319.8-12 From West Coast of Mexico. [Amended]

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319.8-20 Importations by the Department of Agriculture. [Amended]

Subpart—Avocado Seed

319.12 Notice of quarantine. [Amended]

Subpart—Sugarcane

319.15 Notice of quarantine. [Amended]

Subpart—Citrus Conker and Other Citrus Diseases

319.19 Notice of quarantine. [Amended]

Subpart—Corn Diseases

QUARANTINE

319.24 Notice of quarantine. [Amended]

REGULATIONS GOVERNING ENTRY OF INDIAN CORN OR MAIZE

319.24-2 Issuance of permits. [Amended]

319.24-4 Notice of arrival of corn by permittee. [Revised]

319.24-5 Condition of entry. [Revised]

¹ Headnote amended, 23 F. R. 7165, Sept. 17, 1958.

Subpart—Citrus Fruit

Sec.
319.28 Notice of quarantine. [Amended]

Subpart—Sweetpotatoes

319.29 Notice of quarantine. [Amended]

Subpart—Bamboo

319.34 Notice of quarantine. [Amended]

Subpart—Nursery Stock, Plants, and Seeds

QUARANTINE

319.37 Notice of quarantine. [Amended]

RULES AND REGULATIONS

319.37-1 Definitions. [Amended]

319.37-4 Seeds. [Amended]

319.37-8 Inspection; freedom from plant pests; defoliation. [Amended]

319.37-8a Administrative instructions designating genera known to be hosts of the citrus blackfly. [Added]

319.37-11 Notice of arrival. [Revised]

319.37-18 Size-age limitation. [Amended]

319.37-18a Administrative instructions prescribing size limitations for cacti, cycads, yuccas, dracaenas, and plants of similar growth habits; interpretation regarding status of palms. [Added]

319.37-19 Postentry quarantine. [Amended]

319.37-21 Ports of entry. [Amended]

319.37-23 Importations by the Department of Agriculture. [Amended]

319.37-25 Insects imported for scientific and educational purposes. [Revoked]

319.37-28 Territorial applicability. [Amended]

Subpart—Indian Corn or Maize, Broom-corn, and Related Plants

QUARANTINE

319.41 Notice of quarantine. [Amended]

RULES AND REGULATIONS

319.41-3 Issuance of permits. [Amended]

319.41-4 Notice of arrival by permittee. [Revised]

319.41-5 Conditions of entry. [Amended]

Subpart—Rice

QUARANTINE

319.55 Notice of quarantine. [Amended]

RULES AND REGULATIONS

319.55-3 Ports of entry. [Amended]

319.55-4 Issuance of permits. [Revised]

319.55-5 Notice of arrival by permittee. [Revised]

Subpart—Fruits and Vegetables

QUARANTINE

319.56 Notice of quarantine. [Amended]

RULES AND REGULATIONS

- Sec.
 319.56-2 Restrictions on entry of fruits and vegetables. [Amended]
 319.56-2c Administrative instructions authorizing the importation of frozen fruits and vegetables. [Revised]
 319.56-2d Administrative instructions for cold treatments of imported Vinifera grapes and certain other fruits. [Amended]
 319.56-2i Administrative instructions prescribing method of treatment of mangoes from the West Indies. [Revised]
 319.56-2j Administrative instructions prescribing method of fumigation of mangoes and plums from Mexico. [Revised]
 319.56-2k Okra from Mexico. [Added]
 319.56-2l Administrative instructions prescribing method of fumigation of field-grown grapes from specified countries. [Added]
 319.56-2m Administrative instructions prescribing method of treatment of yams from West Indies. [Added]
 319.56-4 Issuance of permits. [Revised]
 319.56-5 Notice of arrival by permittee. [Amended]
 319.56-8 Territorial applicability. [Amended]

**Subpart—Flag Smut
 QUARANTINE**

- 319.59 Notice of quarantine. [Amended]
RULES AND REGULATIONS
 319.59-1 Definitions. [Amended]
 319.59-5 Applications for and issuance of permits. [Amended]
 319.59-6 Notice of arrival. [Revised]

**Subpart—Packing Materials
 QUARANTINE**

- 319.69 Notice of quarantine. [Amended]

**Subpart—Dutch Elm Disease
 QUARANTINE**

- 319.70 Notice of quarantine. [Amended]

**Subpart—Cut Flowers
 QUARANTINE**

- 319.74 Notice of quarantine. [Amended]
RULES AND REGULATIONS
 319.74-4 Procedure for obtaining permits. [Amended]
 319.74-7 Territorial applicability. [Amended]

**SUBPART—FOREIGN COTTON AND COVERS
 QUARANTINE**

§ 319.8 *Notice of quarantine.* (a)
 * * * *Provided, That whenever the Di-*

rector of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

[Proviso amended, 23 F. R. 7165, Sept. 17, 1958]

* * * * *
REGULATIONS; GENERAL

§ 319.8-1 *Definitions.*

CODIFICATION: In paragraph (n) of § 319.8-1, "Guam" was added after "Alaska," 23 F. R. 7163, Sept. 17, 1953.

**CONDITIONS OF IMPORTATION AND ENTRY OF
 COTTON AND COVERS**

§ 319.8-2 *Permit procedure.* * * *

(h) Pending development of adequate treating facilities in Guam, any cotton or covers that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

CODIFICATION: § 319.8-2 was amended in the following respects, 23 F. R. 7165, Sept. 17, 1958:

1. In footnote 3 to paragraph (b) "Guam" was inserted before "Hawaii."
2. Paragraph (h) was added.

§ 319.8-3 *Refusal and cancellation of permits.* * * *

(c) Permits for the importation of cottonseed from the State of Sonora, Mexico, as authorized in § 319.8-12 (d), may be refused and existing permits cancelled by the Director of the Division or the inspector (1) if, in the opinion of the Director of the Division, effective quarantine measures are not maintained by the duly authorized officials of Mexico to prohibit the movement into the State of Sonora, Mexico, of cotton and covers

grown or handled in other parts of the West Coast of Mexico or in parts of Mexico infested with the pink bollworm or in countries other than the United States, or (2) if it has been determined by the Division that the pink bollworm exists in the State of Sonora, Mexico.

* * * * *

CODIFICATION: In § 319.8-3, former paragraph (c) was redesignated (d) and a new paragraph (c) was added, 23 F. R. 2092, Mar. 29, 1958.

§ 319.8-4 *Notice of arrival.* Immediately upon arrival at a port of entry of any shipment of cotton or covers the importer shall submit in duplicate, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, and for the Plant Quarantine Division, a notice of such arrival, on a form provided for that purpose (Form PQ-368) and shall give such information as is called for by that form. [23 F. R. 7165, Sept. 17, 1958]

OTHER CONDITIONS APPLICABLE TO COTTON AND COVERS FROM MEXICO

§ 319.8-12 *From West Coast of Mexico.*
* * *

(d) *Cottonseed.* Contingent upon the continued maintenance by the duly authorized Mexican officials of effective quarantine measures to prohibit the movement into the State of Sonora, Mexico, of cotton and covers grown or handled in other parts of the West Coast of Mexico, in parts of Mexico infested with the pink bollworm, or in countries other than the United States, and upon continued freedom of the State of Sonora, Mexico, from infestation with the pink bollworm, cottonseed originating in the State of Sonora, Mexico, and contained in new sacks may enter at Nogales, Arizona, and such other ports as may be named in the permit for transportation in bond to Fabens, Texas, for prompt vacuum fumigation.

[Paragraph (d) added, 23 F. R. 2092, Mar. 29, 1958]

MISCELLANEOUS PROVISIONS

§ 319.8-20 *Importations by the Department of Agriculture.*

CODIFICATION: In § 319.8-20, the words "Plant Introduction Section of the Horticultural Crops Research Branch, Agricultural Research Service" were changed to "Plant Introduction Section of the Crops Research Division," 22 F. R. 2656, Apr. 17, 1957.

SUBPART—AVOCADO SEED

§ 319.12 *Notice of quarantine.* * * *

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

CODIFICATION: § 319.12 was amended in the following respects, 23 F. R. 7165, Sept. 17, 1958:

1. The phrase "into the United States" was added after the word "importation."
2. The undesignated paragraph set forth above was added.

SUBPART—SUGARCANE

§ 319.15 *Notice of quarantine.* * * *

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

[Undesignated paragraph added, 23 F. R. 7165, Sept. 17, 1958]

SUBPART—CITRUS, CANKER AND OTHER CITRUS DISEASES

§ 319.19 *Notice of quarantine.*

CODIFICATION: In § 319.19 (e), "Guam" was added after "Alaska", 23 F. R. 7165, Sept. 17, 1958.

SUBPART—CORN DISEASES

QUARANTINE

§ 319.24 *Notice of quarantine.* * * *
Provided, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District

of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

CODIFICATION: In § 319.24, a proviso was added to the undesignated paragraph beginning "On and after July", and a new undesignated paragraph was added, 23 F. R. 7165, Sept. 17, 1958.

REGULATIONS GOVERNING ENTRY OF INDIAN CORN OR MAIZE

§ 319.24-2 *Issuance of permits.* Upon receipt of an application and upon approval by an inspector a permit will be issued specifying the conditions of entry and the port of entry to carry out the purposes of this subpart, and a copy will be supplied to the importer.

* * * * *

CODIFICATION: In § 319.24-2, the headnote and first paragraph were amended to read as set forth above, 23 F. R. 7165, Sept. 17, 1958.

§ 319.24-4 *Notice of arrival of corn by permittee.* Immediately upon the arrival of the corn at the port of entry the permittee shall submit, in duplicate, notice to the Plant Quarantine Division, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, on forms provided for that purpose, stating the number of the permit, the number of bags or other containers of corn included in the shipment, the bag or other container numbers or marks, the country and locality where the corn was grown, the name and address of the exporter or foreign shipper, the port of departure, the date of arrival, the name of the ship or vessel, and the designation of the dock where the corn is to be landed.

[23 F. R. 7165, Sept. 17, 1958]

§ 319.24-5 *Condition of entry.* The corn shall not be removed from the port of entry, nor shall any bag or other container thereof be broken or opened, except for the purpose of sterilization, until a written notice is given to the United States Collector of Customs, or, in the case of Guam, the Customs officer of the Government of Guam, by an inspector of the Plant Quarantine Division, that the corn has been properly sterilized and released for entry without further restrictions so far as the jurisdiction of the Department of Agriculture extends thereto. All apparatus and methods for accomplishing such sterilization must be satisfactory to the Plant Quarantine Division. Corn will be delivered to the

permittee for sterilization, upon the filing with the appropriate customs official of a bond in the amount of \$5,000, or in an amount equal to the invoice value of the corn if such value is less than \$5,000, with approved sureties, and conditioned upon sterilization of the corn under the supervision and to the satisfaction of an inspector of the Plant Quarantine Division; and upon the redelivery of the corn to said customs official within 40 days from the arrival of the corn at the port of entry.

[23 F. R. 7165, Sept. 17, 1958]

SUBPART—CITRUS FRUIT

§ 319.28 *Notice of quarantine.* * * * Further, this prohibition shall not apply to importations into Guam of the fruits and peel designated in paragraph (a) of this section but such importations are subject to permit and other requirements under the Fruits and Vegetables Quarantine (§ 319.56).

* * * * *

CODIFICATION: In § 319.28, the sentence set forth above was added to the undesignated paragraph beginning with words "This prohibition shall not" and in the last undesignated paragraph "Guam" was added after "Alaska", 23 F. R. 7165, Sept. 17, 1958.

SUBPART—SWEETPOTATOES¹

§ 319.29 *Notice of quarantine.*

CODIFICATION: In § 319.29, the words "and yams", "or yams", and "and Dioscorea spp." were deleted, wherever they appeared, 23 F. R. 9831, Dec. 20, 1958.

SUBPART—BAMBOO

§ 319.34 *Notice of quarantine.* * * *

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

CODIFICATION: In § 319.34, the phrase "into the United States" was inserted after the word "importation", and the undesignated paragraph set forth above was added, 23 F. R. 7165, Sept. 17, 1958.

SUBPART—NURSERY STOCK, PLANTS, AND SEEDS

QUARANTINE

§ 319.37 *Notice of quarantine.* (a) * * * *Provided,* That whenever the Director of the Plant Quarantine Division

¹ Headnote amended, 23 F. R. 9831, Dec. 20, 1958.

shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations. * * *

CODIFICATION: § 319.37 was amended in the following respects:

1. In paragraph (a), the first proviso was amended to read as set forth above, 23 F. R. 7165, Sept. 17, 1958.

2. The table in paragraph (b) was amended in the following respects, 23 F. R. 1715, Mar. 13, 1958:

a. The parenthetical phrase "(except stocks for vegetative propagation of stocks)" was deleted wherever it appeared in the "Plant material" tabular column and the parenthetical phrase "(except vegetatively-produced understocks)" was substituted therefor.

b. The item appearing in the "Plant material" tabular column as "Fruit and Nut Stocks except stocks imported for the vegetative propagation of the stocks themselves" was deleted and the item "Fruit and Nut Stocks except vegetatively-produced understocks" was substituted therefor.

3. In paragraph (c), "Guam" was added after "Alaska," 23 F. R. 7163, Sept. 17, 1958.

RULES AND REGULATIONS

§ 319.37-1 *Definitions.*

CODIFICATION: In paragraph (m) of § 319.37-1, "Guam" was added after "Alaska," 23 F. R. 7165, Sept. 17, 1958.

§ 319.37-4 *Seeds.* * * *

(b) *Seeds importable under permit.*
* * * In the case of seeds of such fruits as are approved for importation without treatment under the provisions of §§ 319.56, 319.56-1 et seq., the requirements as to freedom from pulp shall not apply when such seeds are imported, under the requirements of this section, for propagation.

[Sentence added, 23 F. R. 7033, Sept. 11, 1958]

§ 319.37-8 *Inspection; freedom from plant pests; defoliation.* * * * Furthermore, all plants and cuttings of genera, that are not prohibited entry into the United States but are known to be hosts of the citrus blackfly or may hereafter be determined as such, from all foreign countries (except Canada, countries in Europe and Asia Minor; and those in Africa bordering the Mediterranean Sea), must be defoliated before shipment from the country of origin if they are to be imported through any port other than the Ports of New York and Seattle. The Director of the Plant Quarantine Division shall issue administrative instructions listing the genera of plants that are not prohibited entry into the United States but are known to be hosts of the citrus blackfly or that may hereafter be determined as such.

CODIFICATION: In § 319.37-8, the section heading was amended and two sentences were added, 23 F. R. 7033, Sept. 11, 1958.

§ 319.37-8a *Administrative instructions designating genera known to be hosts of the citrus blackfly.* (a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following genera of plants, that are not prohibited entry into the United States, are known hosts of the citrus blackfly (*Aleurocanthus woglumi* Ashby):

Achras.	Jatropha.
Anacardium.	Lagerstroemia.
Annona.	Lucuma.
Ardisia.	Magnolia.
Bouvardia.	Mammea.
Bumelia.	Mangifera.
Bursera.	Melia.
Buxus.	Myroxylon.
Calocarpum.	Myrtus.
Capsicum.	Parmentiera.
Cardiospermum.	Persea.
Cedrela.	Plumeria.
Cestrum.	Populus.
Cnidioscolus.	Psidium.
Coffea.	Punica.
Crataegus.	Pyrus.
Cydonia.	Sapindus.
Diospyros.	Solandra.
Duranta.	Spondias.
Eugenia.	Streitzia.
Fraxinus.	Tabebuia.
Hibiscus.	Vitis.
Hura.	Zingiber.
Ixora.	

(b) If additional admissible plants are later determined to be hosts of the citrus blackfly they shall also be listed in paragraph (a) of this section.

(c) Blackfly host plants of genera that are prohibited entry into the United States are not included in the list in paragraph (a) of this section.

These administrative instructions shall become effective October 11, 1958.

These administrative instructions list the genera of plants that are not prohibited entry into the United States and are known hosts of the citrus blackfly.

(Secs. 1, 5, 7, 37 Stat. 315, as amended, 316, 317, 7 U. S. C. 154, 159, 160) [P. Q. 630, 23 F. R. 7033, Sept. 11, 1958]

§ 319.37-11 *Notice of arrival.* Immediately upon arrival at a port of entry of any shipment of restricted plant material the importer shall submit, in duplicate, through the United States Collector of Customs, or in the case of Guam, through the Customs officer of the Government of Guam, and for the Plant Quarantine Division, a notice of such arrival on forms provided for that purpose (Form PQ-368) and shall give such information as is called for by that form; and he shall also submit with the notice an invoice or packing list which identifies the contents of the shipment.

[23 F. R. 7166, Sept. 17, 1953]

§ 319.37-18 *Size-age limitations.* * * *

(c) Imports of any plants, including but not limited to certain cacti, cycads, yuccas, and dracaenas, not subject to sizeage limitations under paragraph (a) or (b) of this section, whose growth habits simulate the woody character of trees and shrubs, shall be limited to such sizes as may be set forth in administrative instructions by the Director of the Plant Quarantine Division to carry out the purposes of the Plant Quarantine Act.

* * * * *
 CODIFICATION: In § 319.37-18, paragraphs (c) through (e) were redesignated (d)

through (f), respectively, and a new paragraph (c) was added, 23 F. R. 1717, Mar. 13, 1958.

§ 319.37-18a *Administrative instructions prescribing size limitations for cacti, cycads, yuccas, dracaenas, and plants of similar growth habits; interpretation regarding status of palms—*

(a) *Size limitations.* Plants of cacti, cycads, yuccas, dracaenas, and plants of similar growth habits, not subject to size-age limitations under § 319.37-18 (a) or (b), whose growth habits simulate the woody character of trees and shrubs, may be imported under permit if they are:

(1) No greater than 12 inches in height, exclusive of foliage;

(2) Specimen plants and meet the conditions prescribed for the importation of specimen plants in § 319.37-18 (a).

(b) *Interpretation.* Palms are considered to be in the same category as woody plants and are subject to the limitations prescribed in § 319.37-18 (a).

The principal purpose of these administrative instructions is to reduce the pest risk incident to the importation of cacti, cycads, yuccas, dracaenas, and plants of similar habits, and to allow a more thorough and satisfactory inspection to be made than is possible with larger plants. It is anticipated that plants imported under these limitations can be successfully transported and reestablished. The interpretation clarifies the status of palms under the regulations.

This document shall become effective November 12, 1958.

(Secs. 1, 5, 37 Stat. 315, 316; 7 U. S. C. 154, 159) [P. Q. 644, 23 F. R. 7877, Oct. 11, 1958]

§ 319.37-19 *Postentry quarantine.*

* * * * *
 (c) * * *

Plants to be grown under postentry quarantine

Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage).

Where imported from

Europe (except Belgium and The Netherlands), Asia, New Zealand, and North America north of the United States-Canadian border. (If the United States Department of Agriculture acquires evidence it considers to be conclusive, indicating that the rust, *Chrysomyxa ledi* (Alb. & Schw.) d By. var. *rhododendri* (d By.) Savile (formerly known as *C. rhododendri* (DC.) d By.), does not occur within any country in the areas named and that it is being prevented entry therein by adequate plant quarantine measures, such plants may be permitted entry in accordance with the provisions of § 319.37-6.)

CODIFICATION: The table in paragraph (c) of § 319.37-19 was amended in the following respects:

1. The item "Fruit and nut plants, buds, cuttings, and scions, or stocks imported for the vegetative propagation of stocks (except as otherwise provided)" appearing in the column headed "Plants to be grown under post-entry quarantine" was changed to read "Fruit and nut plants, buds, cuttings, scions, and vegetatively-produced understocks (except as otherwise provided)", 23 F. R. 1717, Mar. 13, 1958.

2. The items "Rhododendron brachycarpum D. Don" through "R. suave Hort" were deleted, and the items set forth above were substituted therefor, 21 F. R. 9715, Dec. 7, 1956.

Prior Amendments

1956: 21 F. R. 2589, Apr. 20; 21 F. R. 8214, Oct. 28.

§ 319.37-21 *Ports of entry.* * * *

Pending development of adequate treating facilities in Guam, restricted plant material that is subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

[Undesignated paragraph added, 23 F. R. 7166, Sept. 17, 1958]

§ 319.37-23 *Importations by the Department of Agriculture.*

CODIFICATION: In § 319.37-23, the words "Section of Plant Exploration and Introduction of the Horticultural Crops Research Branch" were deleted, and the words "Plant Introduction Section of the Crops Research Division" were substituted therefor, 22 F. R. 2656, Apr. 17, 1957.

§ 319.37-25 *Insects imported for scientific and educational purposes.* [Revoked, 23 F. R. 8178, Oct. 24, 1958]

§ 319.37-28 *Territorial applicability.*

CODIFICATION: In § 319.37-28, "Guam" was added after "Alaska," 23 F. R. 7163, Sept. 17, 1958.

SUBPART—INDIAN CORN OR MAIZE, BROOM-CORN, AND RELATED PLANTS

QUARANTINE

§ 319.41 *Notice of quarantine.* * * * :
Provided, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he

shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

CODIFICATION: In § 319.41, a proviso was added to the paragraph beginning "Hereafter, and until" and an undesignated paragraph was added, 23 F. R. 7165, Sept. 17, 1958.

RULES AND REGULATIONS

§ 319.41-3 *Issuance of permits.* * * *

Pending development of adequate treating facilities in Guam, any of the articles specified in § 319.41-1 that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

[Undesignated paragraph added, 23 F. R. 7166, Sept. 17, 1958]

§ 319.41-4 *Notice of arrival by permittee.* Immediately upon arrival of the importation at the port of arrival the permittee shall submit, in duplicate, notice to the Plant Quarantine Division, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, on forms provided for that purpose, stating the number of the permit, the date of entry, the name of ship or vessel, railroad, or other carrier, the country and locality where the articles were grown, the name of the foreign shipper, the quantity or number of bales or containers, and the marks and numbers on the bales or containers, the port of arrival, and the name of the importer or broker at the port of arrival.

[23 F. R. 7166, Sept. 17, 1958]

§ 319.41-5 *Conditions of entry.* * * *

When entry under sterilization or other treatment is permitted, the importation

will be released to the permittee for such treatment, upon the filing with the appropriate customs official of a bond in the amount of \$5,000, or in an amount equal to the invoice value, if such value be less than \$5,000, with approved sureties, and conditioned that the importation shall be sterilized or otherwise treated under the supervision of the inspector; that no bale or container shall be broken, opened, or removed from the port of arrival unless and until a written notice is given to said customs official by an inspector that the importation has been properly sterilized or treated; and that the importation shall be redelivered to said customs official within 30 days after its arrival.

CODIFICATION: In the introductory text of § 319.41-5, the second undesignated paragraph was amended to read as set forth above, 23 F. R. 7166, Sept. 17, 1958.

SUBPART—RICE

QUARANTINE

§ 319.55 *Notice of quarantine.* * * *

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

[Undesignated paragraph added, 23 F. R. 7165, Sept. 17, 1958]

RULES AND REGULATIONS

§ 319.55-3 *Ports of entry.* * * *

Pending development of adequate treating facilities in Guam, seed or paddy rice, rice straw, and rice hulls that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

CODIFICATION: In § 319.55-3, the undesignated paragraph set forth above was added immediately before the last undesignated paragraph beginning with "Should a shipment," 23 F. R. 7166, Sept. 17, 1958.

§ 319.55-4 *Issuance of permits.* Upon receipt of an application and upon approval by an inspector a permit will be issued specifying the conditions of entry and the port of entry to carry out the purposes of this subpart, and a copy will be supplied to the importer.

[23 F. R. 7166, Sept. 17, 1958]

§ 319.55-5 *Notice of arrival by permittee.* Immediately upon the arrival of a shipment at the port of first arrival, the permittee or his agent shall submit a notice, in duplicate, to the Plant Quarantine Division, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, on a form provided for that purpose, stating the number of the permit, the quantity in the shipment, the locality where grown, the date of arrival, and, if by rail, the name of the railroad company, the car numbers, and the terminal where the shipment is to be unloaded, or, if by vessel, the name of the vessel and the designation of the dock where the shipment is to be landed.

[23 F. R. 7166, Sept. 17, 1958]

SUBPART—FRUITS AND VEGETABLES

QUARANTINE

§ 319.56 *Notice of quarantine.* * * *

Provided, That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions, specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

CODIFICATION: In § 319.56, the proviso set forth above was added to the paragraph beginning "On or after November 1," and in the last paragraph "Guam" was added after "Alaska," 23 F. R. 7163, 7165, Sept. 17, 1958.

RULES AND REGULATIONS

§ 319.56-2 *Restrictions on entry of fruits and vegetables.* * * *

Pending development of adequate treating facilities in Guam, fruits and vegetables that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at

a United States port of arrival where such treating facilities are available.

CODIFICATION: In § 319.56-2 the last sentence was deleted, 21 F. R. 10465, Dec. 29, 1956. Subsequently, the undesignated paragraph set forth above was added, 23 F. R. 7166, Sept. 17, 1958.

§ 319.56-2c *Administrative instructions authorizing the importation of frozen fruits and vegetables.* (a) The type of treatment designated in this subpart as freezing shall be one of those treatments commonly known as quick freezing, sharp freezing, or frozen pack. In general this involves an initial quick freezing at subzero temperatures with subsequent storage and transportation handling at not higher than 20° F. Any equivalent freezing method is also included in this designation.

(b) The Director of the Plant Quarantine Division, under authority contained in § 319.56-2, hereby prescribes freezing as a satisfactory treatment for all fruits and vegetables enterable under permit under § 319.56. Such frozen fruits and vegetables may be imported from any country under permit, on compliance with §§ 319.56-1 through 319.56-7 (exclusive of nonrelated administrative instructions), at such ports as shall be authorized in the permits.

(c) Such fruits and vegetables may not be removed from the vessel or vehicle transporting them until it has been determined by an inspector of the Plant Quarantine Division that they are in a satisfactory frozen state on arrival in this country.

(d) If the temperature of the fruits or vegetables in any part of such an importation is found to be above 20° F. at the time of inspection upon arrival, the entire shipment shall remain on board the vessel or vehicle under such safeguards as may be prescribed by the inspector of the Plant Quarantine Division until the temperature of the shipment is below 20° F., or the shipment is transported outside the United States or its territorial waters, or is otherwise disposed of to the satisfaction of the inspector.

(e) The importation from foreign countries 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 Director of the Plant Quarantine Division, be destroyed by freezing.

(f) Freezing of fruits and vegetables as authorized in the instructions in this section 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 entry in accordance with the instruction in this section. [P. Q. 587, Rev., 22 F. R. 6680, Aug. 21, 1957]

§ 319.56-2d *Administrative instructions for cold treatments of imported Vinifera grapes and certain other fruits—(a) Treatments authorized.*
* * *

(2) *Refrigeration temperatures and periods.* Fruit cold treated because of the Mediterranean fruit fly shall be refrigerated for one of the following periods at or below the respective temperature designated:

- 10 days—32° F.
- 11 days—33° F.
- 12 days—34° F.
- 14 days—35° F.
- 16 days—36° F.

Fruit cold treated because of fruit flies of the genus *Anastrepha* (other than *A. ludens* (Loew)) shall be refrigerated for one of the following periods at or below the respective temperature designated:

- 11 days—32° F.
- 13 days—33° F.
- 15 days—34° F.
- 17 days—35° F.

Fruit cold treated because of the Mexican fruit fly (*A. ludens* (Loew)) shall be refrigerated for one of the following periods at or below the respective temperature designated:

- 18 days—33° F.
- 20 days—34° F.
- 22 days—35° F.

Refrigeration temperatures and periods for fruit to be cold treated because of other species of fruit flies may be designated by the Director of the Plant Quarantine Division, if experimental data are available concerning applicable treatments of known effectiveness.

[Subparagraph (2) amended, P. Q. 583, 22 F. R. 4749, July 6, 1957]

* * * * *

(b) *Place and manner of treatments.*

* * *

(5) *Cold treatment after arrival.*

* * *

(iii) Shipments offered for entry before cold treatment may be allowed to leave customs custody under redelivery bond for cold treatment. Final release of the shipment by the United States Collector of Customs, or, in the case of Guam, by the Customs officer of the Government of Guam, will be effected after the inspector has notified the said Customs official that the required cold treatment has been given.

[Subdivision (iii) amended, 23 F. R. 7166, Sept. 17, 1953]

§ 319.56-2i *Administrative instructions prescribing method of treatment of mangoes from the West Indies*—(a) *Fumigation upon arrival.* Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival, is hereby prescribed as a condition of entry under permit under § 319.56-2 for all shipments of mangoes from the West Indies other than those entered in accordance with the alternate procedure authorized in paragraph (b) of this section:

(1) *West Indies.* As used in this paragraph, the term "West Indies" means the foreign islands lying between North and South America, the Caribbean Sea, and the Atlantic Ocean, including, among others, Cuba, Jamaica, Dominican Republic, and the Bahama, Leeward and Windward Islands, but excluding the chain of islands adjacent and parallel to the north coast of South America (the largest of which are Aruba, Curacao, Bonaire, Tortuga, Margarita, Trinidad, and Tobago).

(2) *Ports of entry.* Mangoes to be offered for entry must be shipped direct from the country of origin to New York or such other North Atlantic ports as may be named in the permit.

(3) *Precooling of fruit.* Mangoes to be offered for entry must be cooled to a maximum temperature of 50° F. prior to unloading from the ship. The fruit may not be removed from the vessel until an inspector of the Plant Quarantine Division has satisfied himself that this requirement has been complied with and that the fruit can be moved promptly to the fumigation chamber.

(4) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumi-

gation chamber which has been approved for that purpose by the Plant Quarantine Division. The dosage shall be applied at the following rates:

Temperature (° F.)	Dosage (pounds of ethylene dibromide per 1,000 cubic feet)	Exposure period (hours)
80-89.....	¾	2
70-79.....	1	2
55-69.....	1¼	2

The temperature to be used in determining the dosage schedule shall be the lower of the temperatures of the air and fruit. Cubic feet of space shall include the load. The ethylene dibromide must be applied in the liquid state and volatilized within the sealed fumigation chamber in an electrically heated vaporizing pan. The electrically heated vaporizing pan shall be controlled by a switch outside of the fumigation chamber and shall be equipped with a signal light to indicate when the current is on or off. The 2-hour period of exposure shall begin 15 minutes after all liquid ethylene dibromide has been injected into the electrically heated vaporizing pan inside the fumigation chamber, after which the electric current for the vaporizing pan can be turned off. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(ii) Mangoes to be fumigated may be packed in crates with shredded packing material. When fruits are individually wrapped in paper the wrappings must be removed before fumigation. When loaded in the fumigation chamber the crates or other containers shall be separated at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than 50 percent of capacity.

(5) *Other conditions.* The unloading of fruit from the vessel, its delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of an inspector of the Plant Quarantine Division. The unloading and delivery shall be conducted in accordance with such safeguard requirements as the inspector may impose to prevent the dissemination of injurious insects. Final release of the fruit for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations.

(6) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the mangoes, or his representative.

(7) *Department not responsible for damage.* The treatment prescribed in subparagraph (4) of this paragraph is judged from experimental tests to be safe for use with mangoes. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or compliance with requirements under subparagraph (5) of this paragraph or in the precooling of fruit required prior to unloading from the vessel.

(b) *Alternate procedure.* Mangoes produced in Cuba if satisfactorily treated in Cuba and otherwise handled and certified as provided in this paragraph will be eligible for entry under permit under § 319.56-2.

(1) *Approved fumigation.* The mangoes shall be fumigated at approved plants in Cuba in accordance with paragraph (a) (4) of this section.

(2) *Approval of fumigation plants; costs of supervision.* Fumigation in Cuba will be contingent upon the availability of a fumigation plant approved by the Director of the Plant Quarantine Division to apply the treatment prescribed in paragraph (a) (4) of this section and upon the availability of qualified personnel for assignment to approve the plant and to supervise the treatment and post-treatment handling of the mangoes in Cuba. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all transportation, per diem, and other incidental expenses of such personnel and compensation for such personnel for their services in excess of 40 hours weekly, in connection with such approval and supervision, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(3) *Supervision of fumigation and subsequent handling.* The fumigation prescribed in this paragraph and the subsequent handling of the mangoes so fumigated must be under the supervision

of a representative of the Plant Quarantine Division. The treated fruit must be safeguarded against reinfestation during the period prior to shipment from Cuba, in a manner required by such representative.

(4) *Certification.* Mangoes will be certified by a representative of the Plant Quarantine Division in Cuba for entry into the United States upon the basis of treatment under this paragraph and compliance with the post-treatment safeguard requirements imposed by such representative. The final release of the fruit for entry into the United States will be conditioned upon compliance with such requirements and upon satisfactory inspection on arrival to determine efficacy of treatment.

(5) *Costs.* All costs incident to fumigation, including those for constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out requirements of post-treatment safeguards, and all costs as indicated in subparagraph (2) of this paragraph incident to plant approval and supervision of treatment and subsequent handling of the mangoes in Cuba shall be borne by the owner of the fruit or his representative.

(6) *Department not responsible for damage.* The treatment prescribed in paragraph (a) (4) of this section is judged from experimental tests to be safe for use with mangoes. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of post-treatment safeguards.

(7) *Ports of entry.* Mangoes to be offered for entry in accordance with the alternate procedure provided for in this paragraph may be entered under permit at any United States port where an inspector is stationed.

(8) *Ineligible shipments.* Any shipments of mangoes produced in Cuba that are not eligible for certification under the alternate procedure provided for in this paragraph may enter only upon compliance with paragraph (a) of this section.

CODIFICATION: § 319.56-2j was revised by P. Q. 608, Revised, 21 F. R. 3485, May 25, 1956. Subsequently, paragraph (a) (4) (1) was amended to read as set forth above by P. Q. 608, Revised, Amendment 1, 21 F. R. 8045, Oct. 19, 1956.

§ 319.56-2j *Administrative instructions prescribing method of fumigation*

of mangoes and plums from Mexico. Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit for all shipments of mangoes and plums from Mexico.

(a) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Division. Such chambers must be equipped with a gas-tight glass window to permit a view inside the chamber while fumigation is in progress. The Plant Quarantine Division will approve only those fumigation plants that are properly constructed and adequately equipped to handle and treat mangoes and plums at locations acceptable to the inspector, in areas where required supervision can be furnished. The dosage shall be applied at the rate of 1 pound of ethylene dibromide per 1,000 cubic feet of space for 2 hours at a minimum temperature of 77° F. Cubic feet of space shall include the load. The 2-hour period of exposure shall begin when all of the fumigant has been introduced into the chamber. The required temperature applies to both air and fruit. The ethylene dibromide must be applied in the liquid state and volatilized within the sealed fumigation chamber by direct contact with a highly heated metal surface over an electric hot plate or other suitable heating medium. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(2) Mangoes to be fumigated may be packed in export flats with wood excelsior before treatment. Plums to be fumigated may be prepacked in slatted containers and wood excelsior used if desired. Paper wrappings for individual fruits may not be used for mangoes and plums unless authorized in advance by the Plant Quarantine Division. Fruit to be fumigated may also be placed in open field boxes. When loaded in the fumigation chamber the boxes or containers shall be separated by at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than one-third capacity.

(b) *Supervision of fumigation.* (1) Inspectors of the Plant Quarantine Division

will supervise the fumigation of mangoes and plums and will prescribe such safeguards as may be necessary for the handling, packing, and transportation of the fruit from the time it leaves the treating plant until it reaches the United States port of entry. The final release of the fruit for entry into the United States will be conditioned upon compliance with the prescribed safeguards.

(2) Supervision of fumigation at places in Mexico contiguous to ports of entry where inspectors are regularly stationed will, if practicable, be carried out as a part of normal inspection activities and when so available will be furnished without cost to the owner of the fruit or his representative.

(c) *Costs.* All costs of constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out precautions prescribed for post-treatment safeguards shall be borne by the owner of the fruit or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the fruit or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(d) *Approval of fumigation plants.* Approval of fumigation plants in the interior of Mexico or at places removed from ports of entry where inspectors are regularly stationed will be contingent upon compliance with the provisions of paragraph (a) (1) of this section and upon the availability of qualified personnel for assignment to supervise the treatment and post-treatment handling of mangoes and plums. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all salaries, transportation, per diem, and other incidental expenses for the supervising inspectors, including the payment to the inspectors of additional compensation for their services in excess of 40 hours weekly, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(e) *Department not responsible for damage.* While the prescribed treatment

is judged from experimental tests to be safe for use with mangoes and plums, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of post-treatment safeguards.

[P. Q. 609, Rev., 22 F. R. 2756, Apr. 20, 1957]

§ 319.56-2k *Okra from Mexico*—(a) *Administrative instructions prescribing method of treatment of okra from certain parts of Mexico.* Fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure is hereby prescribed as an alternate condition of importation under permit under § 319.56-2 for all shipments of okra from Mexico, except okra produced in the Imperial Valley of Baja California, Mexico;

(1) *Approval of fumigation room.* The fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation room which has been approved for that purpose by the Plant Quarantine Division. The Plant Quarantine Division will approve only those fumigation rooms that are properly constructed and adequately equipped to handle and treat okra, and are located, either within the United States or Mexico, within the practicable supervisory range of a port of entry where inspectors are stationed and where the required supervision can be accomplished without encroaching upon normal port inspection assignments.

(2) *Fumigation schedule.* Such fumigation shall be in accordance with the following fumigation schedule:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90.....	1.0	2
80.....	1.5	2
70.....	2.0	2
60.....	2.5	2
50.....	3.0	2
40.....	3.5	2

(3) *Fumigation procedure.* Okra to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation room shall not be loaded to more than two-thirds of its capacity. The containers may be stacked one on top of another, but a 3- to 4-inch space must be provided between each container throughout the load. Good air circula-

tion above and below the load shall be provided as soon as the okra is loaded and must be continued during the full period of fumigation and until the okra has been removed to a well-ventilated location. Strong blasts of air should not be directed against the okra. Fumigation at temperatures in excess of 90° F. may result in injury to okra and should be avoided if possible.

(4) *Supervision of fumigation.* (i) Inspectors of the Plant Quarantine Division will supervise the fumigation of okra and will specify such safeguards as may be necessary for the handling and transportation of the okra before and subsequent to fumigation, if, in the opinion of the inspector this is necessary to assure that there will be no pest risk associated with the importation and treatment. The final release of the okra for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of approved fumigation rooms will, if practicable, be carried on as a part of normal port inspection activities and when so available will be furnished without cost to the owner of the okra or his representative.

(5) *Costs.* All costs of constructing, maintaining, and operating fumigation plants and facilities, and carrying out the specified pre-treatment and post-treatment safeguards shall be borne by the owner of the okra or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the okra or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(6) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with okra, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pre-treatment or post-treatment safeguards. There has not been an opportunity to test these treatments under all conditions or on all okra varieties or on okra from all areas involved.

(b) *Interpretation re importation of okra from Imperial Valley of Baja California.* Okra produced in the Imperial Valley of Baja California, Mexico, may

enter under permit and subject to inspection at the ports of Calexico and San Ysidro, California.

[P. Q. 619, 22 F. R. 519, Jan. 26, 1957]

§ 319.56-2l *Administrative instructions prescribing method of fumigation of field-grown grapes from specified countries.* Approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, is hereby prescribed as a condition of entry under permit for all shipments of field-grown grapes from the continental countries of southern and middle Europe, North Africa, and the Near East listed in paragraph (a) of this section. This fumigation shall be in addition to other conditions prescribed in the permit as conditions of entry for field-grown grapes from the areas named.

(a) *Continental countries of southern and middle Europe, North Africa, and the Near East.* As used in this section, the term "continental countries of southern and middle Europe, North Africa, and the Near East" means Algeria, Austria, Bulgaria, Cyprus, Egypt, France, Germany, Greece, Hungary, Israel, Italy, Libya, Luxembourg, Portugal, Spain, Switzerland, Syria, and Union of Soviet Socialist Republics.

(b) *Ports of entry.* Grapes to be offered for entry must be shipped from the country of origin to New York or such other North Atlantic ports as may be named in the permit.

(c) *Precooling of fruit.* Grapes to be offered for entry must be shipped under refrigeration and the fruit may not be removed from the vessel until the inspector has satisfied himself that this requirement has been complied with and that the fruit can be moved promptly for treatment without danger of plant pest dissemination.¹

(d) *Approved fumigation.* Approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure in a fumigation chamber that has been approved for that purpose by the Plant Quarantine Division. The fumigation may also be accomplished under tarpaulins in a manner, satisfac-

tory to the inspector, that will insure adequate air and fruit temperatures, volatilization, distribution, and concentration of the fumigant. Such fumigation shall be in accordance with the following fumigation schedule:

Temperature, degrees F.	Methyl bromide dosage in pounds per 1,000 cubic feet	Exposure time-hours
70-79-----	2	2½
60-69-----	2½	2½
50-59-----	3	2½
40-49-----	3½	2½

(e) *Supervision of fumigation.* Inspectors of the Plant Quarantine Division shall supervise the fumigation of grapes and shall prescribe such safeguards as may be necessary for unloading, handling, and transportation preparatory to fumigation or other treatment. The final release of the fruit for entry into the United States will be conditioned upon compliance with prescribed safeguards and required treatments.

(f) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the grapes or his representative.

(g) *Department not responsible for damage.* The treatment prescribed in paragraph (d) of this section is judged from experimental tests to be safe for use with field-grown grapes. However, the Department assumes no responsibility for any damage sustained through or in the course of such treatment or by compliance with requirements under paragraph (e) of this section or in the precooling of fruit required prior to unloading from the vessel.

[23 F. R. 9601, Dec. 11, 1958]

§ 319.56-2m *Administrative instructions prescribing method of treatment of yams from West Indies—(a) Fumigation upon arrival.* Except as otherwise provided in paragraph (b) of this section, approved fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival at the port of entry, is hereby prescribed as a condition of importation under permit under § 319.56-2 for all shipments of yams from the West Indies.

¹ Grapes from countries where the Mediterranean fruit fly occurs are subject to the cold treatment as described in § 319.56-2d; P. Q. 583. Under certain conditions such treatment may be effected in transit or upon arrival at the port of New York.

(1) *West Indies.* As used in this paragraph, the term "West Indies" means the foreign islands lying between North and South America, the Caribbean Sea, and the Atlantic Ocean, including, among others, Cuba, Jamaica, Dominican Republic, and the Bahama, Leeward, and Windward Islands, but excluding the chain of islands adjacent and parallel to the north coast of South America (the largest of which are Aruba, Curacao, Bonaire, Tortuga, Margarita, Trinidad, and Tobago).

(2) *Ports of entry.* Yams to be offered for entry may be shipped, under permit under § 319.56-2, direct from the country of origin to ports in the United States where approved fumigation facilities are available.

(3) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber that has been approved for that purpose by the Plant Quarantine Division. The dosage shall be applied at the following rates:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90-96.....	2.5	4
80-89.....	3.0	4
70-79.....	3.5	4

(ii) Yams to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The four-hour exposure period shall begin when all the fumigant has been introduced into the chamber and volatilized. Cubic feet of space shall include the load of yams to be fumigated. The required temperatures apply to both the air and the yams. Good circulation above and below the load shall be provided as soon as the yams are loaded in the chamber and shall continue during the full period of fumigation and until the yams have been removed to a well-ventilated location. Fumigation of yams below the minimum temperature prescribed in the fumigation schedule may result in injury to the yams and should be avoided. Yams are sensitive to bruising and should be carefully packed to prevent this. At

the same time they should be given as much aeration as possible.

(4) *Other conditions.* (1) Inspectors of the Plant Quarantine Division will supervise the fumigation of yams and will specify such safeguards as may be necessary for their handling and transportation before and after fumigation, if, in the opinion of the inspector, this is necessary to assure there will be no pest risk associated with the importation and treatment. Final release of the yams for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of approved fumigation chambers will, if practicable, be carried on as a part of normal port inspection activities. When so available such supervision will be furnished without cost to the owner of the yams or his representative.

(5) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the yams, or his representative.

(6) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with yams, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pretreatment or posttreatment safeguards.

(b) *Alternate procedure.* Yams produced in Cuba, if satisfactorily treated in Cuba and otherwise handled and certified as provided in this paragraph will be eligible for entry under permit under § 319.56-2.

(1) *Approved fumigation.* The yams shall be fumigated at approved plants in Cuba in accordance with paragraph (a) (3) of this section.

(2) *Approval of fumigation plants; costs of supervision.* Fumigation in Cuba will be contingent upon the availability of a fumigation plant, approved by the Director of the Plant Quarantine Division, to apply the treatment prescribed in paragraph (a) (3) of this section and upon the availability of qualified personnel for assignment to approve the plant and to supervise the treatment and posttreatment handling of the yams in Cuba. Those in interest must make advance arrangements for

approval of the fumigation plant and for supervision, and furnish the Director of the Plant Quarantine Division with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all transportation, per diem, and other incidental expenses of such personnel and compensation for such personnel for their services in excess of 40 hours weekly, in connection with such approval and supervision, according to the rates established for the payment of inspectors of the Plant Quarantine Division.

(3) *Supervision of fumigation and subsequent handling.* The fumigation prescribed in this paragraph and the subsequent handling of the yams so fumigated must be under the supervision of a representative of the Plant Quarantine Division. The treated yams must be safeguarded against insect infestation during the period prior to shipment from Cuba, in a manner required by such representative.

(4) *Certification.* Yams will be certified by a representative of the Plant Quarantine Division in Cuba for entry into the United States upon the basis of treatment under this paragraph and compliance with the posttreatment safeguard requirements imposed by such representative. The final release of the yams for entry into the United States will be conditioned upon compliance with such requirements and upon satisfactory inspection on arrival to determine efficacy of treatment.

(5) *Costs.* All costs incident to fumigation, including those for construction, equipping, maintaining and operating fumigation plants and facilities, and carrying out requirements of posttreatment safeguards, and all costs as indicated in subparagraph (2) of this paragraph incident to plant approval and supervision of treatment and subsequent handling of the yams in Cuba shall be borne by the owner of the yams or his representative.

(6) *Department not responsible for damage.* The treatment prescribed in paragraph (a) (3) of this section is judged from experimental tests to be safe for use with yams. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of post-treatment safeguards.

(7) *Ports of entry.* Yams to be offered for entry in accordance with the alternate procedure provided for in this para-

graph may be entered under permit under § 319.56-2 at any United States port where an inspector is stationed.

(8) *Ineligible shipments.* Any shipments of yams produced in Cuba that are not eligible for certification under the alternate procedure provided for in this paragraph may enter only upon compliance with paragraph (a) of this section. [23 F. R. 9830, Dec. 20, 1958]

§ 319.56-4 *Issuance of permits.* Upon receipt of an application and upon approval by an inspector a permit will be issued specifying the conditions of entry and the port of entry to carry out the purposes of this subpart, and a copy will be supplied to the importer. [23 F. R. 7166, Sept. 17, 1958]

§ 319.56-5 *Notice of arrival by permittee.* Immediately upon the arrival of fruits or vegetables, from the countries specified in § 319.56, at the port of first arrival, the permittee or his agent shall submit a notice, in duplicate, to the Plant Quarantine Division, through the United State Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, on forms provided for that purpose, stating the number of the permit; the kinds of fruits or vegetables; the quantity or the number of crates or other containers included in the shipment; the country or locality where the fruits or vegetables were grown; the date of arrival; the name of the vessel, the name and the number, if any, of the dock where the fruits or vegetables are to be unloaded, and the name of the importer or broker at the port of first arrival, or, if shipped by rail, the name of the railroad, the car numbers, and the terminal where the fruits or vegetables are to be unloaded. [First paragraph amended, 28 F. R. 7166, Sept. 17, 1958]

* * * * *

§ 319.56-8 *Territorial applicability.*

CODIFICATION: In § 319.56-8, "Guam" was added after "Alaska," 23 F. R. 7163, Sept. 17, 1958.

SUBPART—FLAG SMUT
QUARANTINE

§ 319.59 *Notice of quarantine.* (a) * * * *Provided,* That whenever the Director of the Plant Quarantine Division shall find that existing conditions as to pest risk involved in the importation of the articles to which the regulations supplemental hereto apply, make it safe to modify, by

making less stringent, the restrictions contained in any of such regulations, he shall publish such findings in administrative instructions, specifying the manner in which the regulations shall be made less stringent, whereupon such modification shall become effective; or he may, when the public interests will permit, with respect to the importation of such articles into Guam, upon request in specific cases, authorize such importation under conditions specified in the permit to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

(b) * * * Applicability of the provisions in this subpart to imports into Guam shall be limited to the provisions restricting the importation of wheat straw, hulls, and chaff.

CODIFICATION: § 819.59 was amended in the following respects:

1. In paragraph (a), "Netherlands" was deleted from the list of countries appearing in the first sentence, 21 F. R. 1258, Feb. 25, 1956, and the proviso was amended to read as set forth above, 23 F. R. 7165, Sept. 17, 1958.

2. A sentence was added to paragraph (b), 23 F. R. 7166, Sept. 17, 1958.

RULES AND REGULATIONS

§ 319.59-1 *Definitions.*

CODIFICATION: In paragraph (j) of § 819.59-1, "Guam" was added after "Alaska," 23 F. R. 7163, Sept. 17, 1958.

§ 319.59-5 *Applications for and issuance of permits.* * * *

(c) Pending development of adequate treating facilities in Guam, any wheat straw, hulls, or chaff that are subject to treatment as a condition of entry therein must first be entered and treated in accordance with the requirements of this subpart at a United States port of arrival where such treating facilities are available.

[Paragraph (c) added, 23 F. R. 7166, Sept. 17, 1958]

§ 319.59-6 *Notice of arrival.* A notice of arrival shall be submitted by the importer, in duplicate, through the United States Collector of Customs, or, in the case of Guam, through the Customs officer of the Government of Guam, to the Plant Quarantine Division, immediately upon arrival at a port of entry of any shipment of products subject to this subpart. Such notice shall be submitted on a form provided for that purpose by the Plant Quarantine Division (Form PQ-

368) and shall contain the information called for by that form.

[23 F. R. 7166, Sept. 17, 1958]

SUBPART—PACKING MATERIALS

QUARANTINE

§ 319.69 *Notice of quarantine.*

CODIFICATION: In the last sentence of § 319.69, "Guam" was added after "Alaska," 23 F. R. 7163, Sept. 17, 1958.

SUBPART—DUTCH ELM DISEASE

QUARANTINE

§ 319.70 *Notice of quarantine.* * * *

As used in this subpart, unless the context otherwise requires, the term "United States" means the States, the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

[Undesignated paragraph added, 23 F. R. 7167, Sept. 17, 1958]

SUBPART—CUT FLOWERS

QUARANTINE

§ 319.74 *Notice of quarantine.*

CODIFICATION: In the last sentence of § 319.74, "Guam" was added after "Alaska," 23 F. R. 7163, Sept. 17, 1958.

RULES AND REGULATIONS

§ 319.74-4 *Procedure for obtaining permits.* (a) Persons desiring to import cut flowers subject to the permit requirements of the regulations in this subpart (other than small quantities eligible for entry upon oral authorization) shall submit to the Plant Quarantine Division an application¹ stating the exact designation of the cut flowers to be imported, the name and address of the exporter, the country where grown, the port of entry, the destination in the United States, and the name and address of the importer or agent in the United States to whom the permit should be sent.

[Paragraph (a) amended, 23 F. R. 7167, Sept. 17, 1958]

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§ 319.74-7 *Territorial applicability.*

CODIFICATION: In § 319.74-7, "Guam" was added after "Alaska," 23 F. R. 7165, Sept. 17, 1958.

¹Address applications to Import and Permit Section, Plant Quarantine Division, 209 River Street, Hoboken, New Jersey. Form EQ-687 may be used but a letter or telegram setting forth the required information will be accepted in lieu of an application on form EQ-687.