

USA

7 CFR-Teil 319 Unterabschnitt – Khaprakäfer, § 319.75

(Title 7 Part 319—Foreign quarantine notices Subpart—Khapra Beetle)

Quelle: <https://www.ecfr.gov/cgi-bin/text-idx?SID=e5d12d42fc64b2bf9aa4a2d5310a6624&mc=true&node=20180319y1.30>

(Inoffizielle Konsolidierung, Julius Kühn-Institut, Bundesforschungsinstitut für Kulturpflanzen, Institut für nationale und internationale Angelegenheiten der Pflanzengesundheit, 03.05.2019)

Die Wiedergabe der Vorschriften erfolgt ohne Gewähr.

Electronic Code of Federal Regulations

Current as of May 1, 2019

Subpart Q—Khapra Beetle

SOURCE: Redesignated at 84 FR 2429, Feb. 7, 2019.

§319.75 Restrictions on importation of regulated articles; disposal of articles refused importation.

(a) The Secretary has determined that in order to prevent the entry into the United States of khapra beetle (*Trogoderma granarium* Everts) it is necessary to restrict the importation of certain articles from foreign countries and localities. Accordingly, no person shall import any regulated article unless in conformity with all of the applicable restrictions in this subpart.

(b) Any article refused importation for noncompliance with the requirements of this subpart shall be promptly removed from the United States or abandoned by the importer, and pending such action shall be subject to the immediate application of such safeguards against escape of plant pests as the inspector determines necessary to prevent the introduction into the United States of plant pests. If the article is not promptly safeguarded, removed from the United States, or abandoned by the importer for destruction, it may be seized, destroyed, or otherwise disposed of in accordance with section 414 of the Plant Protection Act (7 U.S.C. 7714).

(c) A regulated article may be imported without complying with other restrictions under this subpart if:

(1) Imported for experimental, therapeutic, or developmental purposes under the conditions specified in a controlled import permit issued in accordance with §319.6;

(2) Imported at the National Plant Germplasm Inspection Station, Building 580, Beltsville Agricultural Research Center East, Beltsville, MD 20705, or through any USDA plant inspection station listed in accordance with §319.37-8(a); and

(3) Imported with a controlled import tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a controlled import permit number corresponding to the number of the controlled import permit issued for such article.

[46 FR 38334, July 27, 1981, as amended at 47 FR 3085, Jan. 22, 1982; 66 FR 21057, Apr. 27, 2001; 72 FR 43523, Aug. 6, 2007; 78 FR 25572, May 2, 2013; 79 FR 19811, Apr. 10, 2014; 83 FR 11866, Mar. 19, 2018]

§319.75-1 Definitions.

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

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any employee of the United States Department of Agriculture delegated to act in his or her stead.

From. An article is considered to be "from" any country or locality in which it originated or any country(ies) or locality(ies) in which it was offloaded prior to arrival in the United States.

Import. (importation, imported). To import or move into the United States.

Inspector. Any individual authorized by the Administrator or the Commissioner of U.S. Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this subpart.

Person. Any individual, corporation, company, society, association or other organized group.

Phytosanitary certificate of inspection. A document relating to a regulated article, which is issued by a plant protection official of the country in which the regulated article was grown, which is issued not more than 15 days prior to shipment of the regulated article from the country in which grown, which is addressed to the plant protection service of the United States (Plant Protection and Quarantine), which contains a description of the regulated article intended to be imported into the United States, which certifies that the article has been thoroughly inspected, is believed to be free from injurious plant diseases, injurious insect pests, and other plant pests, and is otherwise believed to be eligible for importation pursuant to the current phytosanitary laws and regulations of the United States.

Plant gum. Any of numerous colloidal polysaccharide substances of plant origin that are gelatinous when moist but harden on drying. Plant gums include but are not limited to acacia gum, guar gum, gum arabic, locust gum and tragacanth gum.

Plant pest. The egg, pupal, and larval stages as well as any other living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substances, which can directly or indirectly injure or cause disease or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants.

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Protection Act and related legislation, quarantines, and regulations.

Secretary. The Secretary of Agriculture, or any other officer or employee of the Department of Agriculture to whom authority to act in his/her stead has been or may hereafter be delegated.

United States. The States, District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[46 FR 38334, July 27, 1981, as amended at 47 FR 3085, Jan. 22, 1982; 49 FR 1876, Jan. 16, 1984; 50 FR 8704, 8706, Mar. 5, 1985; 66 FR 21057, Apr. 27, 2001; 78 FR 25572, May 2, 2013; 19811, Apr. 10, 2014; 79 FR 77841, Dec. 29, 2014; 83 FR 11866, Mar. 19, 2018]

§319.75-2 Regulated articles.¹

¹ The importation of restricted articles may be subject to prohibitions or restrictions under other provisions of 7 CFR part 319. For example, fresh whole chilies (*Capsicum* spp.) and fresh whole red peppers (*Capsicum* spp.) from Pakistan are prohibited from being imported into the United States under the provisions of Subpart L—Fruits and Vegetables of this part, and the importation of any restricted articles that are for planting or capable of being planted is restricted under Subpart H—Plants for Planting of this part.

(a) The following articles are regulated articles from all countries designated in accordance with paragraph (c) of this section as infested with khapra beetle and are subject to mandatory treatment in accordance with §319.75-4:

(1) Seeds of the plant family Cucurbitaceae² if in shipments greater than 2 ounces, if not for propagation;

² Seeds of the plant family Cucurbitaceae include but are not limited to: *Benincasa hispida* (wax gourd), *Citrullus lanatus* (watermelon), *Cucumis melo* (muskmelon, cantaloupe, honeydew), *Cucumis sativus* (cucumber), *Cucurbita pepo* (pumpkin, squashes, vegetable marrow), *Lagenaria siceraria* (calabash, gourd), *Luffa cylindrica* (dishcloth gourd), *Mormordica charantia* (bitter melon), and *Sechium edule* (chayote).

(2) Goatskins, lambskins, and sheepskins (excluding goatskins, lambskins, and sheepskins which are fully tanned, blue-chromed, pickled in mineral acid, or salted and moist);

(3) Plant gums and plant gum seeds shipped as bulk cargo (in an unpackaged state);

(4) Used jute or burlap bagging not containing cargo;

(5) Used jute or burlap bagging that is used as a packing material (such as filler, wrapping, ties, lining, matting, moisture retention material, or protection material), and the cargo for which the used jute or burlap bagging is used as a packing material; and

(6) Whole chilies (*Capsicum* spp.), whole red peppers (*Capsicum* spp.), and cumin seeds (*Cuminum cyminum*) when packed in new jute or burlap bagging;

(b) The following articles are regulated articles from all countries designated in accordance with paragraph (c) of this section as infested with khapra beetle or that have the potential to be infested with khapra beetle and are prohibited entry into the United States in passenger baggage and personal effects. Commercial shipments must be accompanied by a phytosanitary certificate issued in accordance with §319.75-9 and containing an additional declaration stating: "The shipment was inspected and found free of khapra beetle (*Trogoderma granarium*)."

(1) Rice (*Oryza sativa*); and

(2) Chick peas (*Cicer* spp.), safflower seeds (*Carthamus tinctorius*), and soybeans (*Glycine max*).

(c) The Administrator will designate a country or an area under a specific jurisdictional authority as infested with khapra beetle when we receive official notification from the country or area that it is infested or when we intercept the pest in a commercial shipment from that country. The Administrator will publish the list of countries or areas under a specific jurisdictional authority found to be infested with khapra beetle on the Plant Protection and Quarantine Web site, http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/kb.pdf. After a change is

made to the list of infested countries or areas, we will publish a notice in the FEDERAL REGISTER informing the public that the change has occurred.

[79 FR 77841, Dec. 29, 2014, as amended at 80 FR 43010, July 21, 2015; 83 FR 11866, Mar. 19, 2018; [84 FR 2429, Feb. 7, 2019](#)]

Formatiert: Englisch (Vereinigte Staaten)

§319.75-3 Permits.

A regulated article may be imported only after issuance of a written permit or oral authorization by the Plant Protection and Quarantine Programs in accordance with §§319.7 through 319.7-5.

(Approved by the Office of Management and Budget under control number 0579-0049)

[79 FR 19811, Apr. 10, 2014]

§319.75-4 Treatments.

Prior to moving into the United States from the port of entry, a regulated article listed in §319.75-2(a) shall be treated for possible infestation with khapra beetle in accordance with part 305 of this chapter.

[79 FR 77841, Dec. 29, 2014]

§319.75-5 Marking and identity.

(a) Any regulated article at the time of importation shall plainly and correctly bear on the outer container (if in a container) or on the regulated article (if not in a container) the following information:

- (1) General nature and quantity of the contents,
- (2) Country or locality of origin,
- (3) Name and address of shipper, owner, or person shipping or forwarding the article,
- (4) Name and address of consignee,
- (5) Identifying shipper's mark and number, and

(b) Any regulated article shall be accompanied at the time of importation by an invoice or packing list indicating the contents of the shipment.

(Approved by the Office of Management and Budget under control number 0579-0049)

[46 FR 38334, July 27, 1981, as amended at 47 FR 3085, Jan. 22, 1982; 48 FR 57466, Dec. 30, 1983; 79 FR 19811, Apr. 10, 2014]

§319.75-6 Arrival notification.

Promptly upon arrival of any regulated article at a port of entry, the importer shall notify Plant Protection and Quarantine of the arrival by such means as a manifest, Customs entry document, commercial invoice, waybill, a broker's document, or a notice form provided for that purpose.

(Approved by the Office of Management and Budget under control number 0579-0049)

[46 FR 38334, July 27, 1981, as amended at 48 FR 57466, Dec. 30, 1983; 79 FR 19811, Apr. 10, 2014]

§319.75-7 Costs and charges.

The services of the inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.⁴ The importer shall be responsible for arrangements for treatments required under §319.75-4. Any treatment required under §319.75-4 for a regulated

article shall be performed at the port of entry by a nongovernmental fumigator at the importer's expense, and shall be performed under the supervision of an inspector. Plant Protection and Quarantine will not be responsible for any costs or charges, other than those indicated in this section.

4.3. Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.

[46 FR 38334, July 27, 1981, as amended at 79 FR 19811, Apr. 10, 2014; [84 FR 2429, Feb. 7, 2019](#)]

Formatiert: Englisch (Vereinigte Staaten)

§319.75-8 Ports of entry.

Any regulated article shall be imported only at a port of entry identified in §319.37-14 of this part and found by the Administrator and specified on the permit issued pursuant to §319.75-3 to have a nongovernmental fumigator available at the port to treat such regulated article pursuant to §319.75-4. It is the responsibility of the importer to arrange with the nongovernmental fumigator for treatment of the article.

[46 FR 38334, July 27, 1981, as amended at 72 FR 43523, Aug. 6, 2007; 78 FR 25572, May 2, 2013; 79 FR 19811, Apr. 10, 2014]

§319.75-9 Inspection and phytosanitary certificate of inspection.

(a) Any nursery stock, plant, fruit, vegetable, root, bulb, or other plant product designated as a regulated article and grown in a country maintaining an official system of inspection for the purpose of determining whether such article is free from injurious plant diseases, injurious insect pests, and other plant pests shall be accompanied by a phytosanitary certificate of inspection from the plant protection service of such country at the time of importation or offer for importation into the United States. Such certificate may cover more than one article and more than one container kept together during shipment and offer for importation.

(b) Any nursery stock, plant, fruit, vegetable, root, bulb, seed, or other plant product designated as a regulated article which is accompanied by a valid phytosanitary certificate of inspection is subject to inspection by an inspector at the time of importation into the United States for the purpose of determining whether such article is free of injurious plant diseases, injurious insect pests, and other plant pests, and whether such article is otherwise eligible to be imported into the United States.

(c) Any nursery stock, plant, fruit, vegetable, root, bulb, seed, or other plant product designated as a regulated article and grown in a country not maintaining an official system of inspection for the purpose of determining whether such article is free from injurious plant diseases, or injurious insect pests, and other plant pests shall be inspected by an inspector at the time of importation into the United States for the purpose of determining whether such article is free of such diseases and pests and whether such article is otherwise eligible to be imported into the United States.

[50 FR 8707, Mar. 5, 1985, as amended at 79 FR 19811, Apr. 10, 2014]