

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
Plant Protection and Quarantine

§ 319.75 KHAPRA BEETLE

EFFECTIVE: April 4, 1985

Supersedes § 319.75
dated January 16, 1984

**PART 319—FOREIGN QUARANTINE
NOTICES**

Subpart—Khapra Beetle

Sec.
319.75 Restrictions on importation of
restricted articles; disposal of articles
refused importation.

319.75-1 Definitions.

319.75-2 Restricted articles.

319.75-3 Permits.

319.75-4 Treatments.

319.75-5 Marking and identity.

319.75-6 Arrival notification.

319.75-7 Costs and charges.

319.75-8 Ports of entry.

319.75-9 Phytosanitary certificates
inspection.

(Secs. 5 and 9; 37 Stat. 316, 318; 7 U.S.C. 159
162; secs. 105, 106, and 107; 71 Stat. 32-34; 7
U.S.C. 150(d), 150ee, 150ff; 7 CFR 217, 2.53,
and 371.2(c))

**§ 319.75 Restrictions on importation of
restricted 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 restricted 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 such article is not
promptly safeguarded, removed from the
United States, or abandoned for
destruction by the importer, it may be
seized, destroyed, or otherwise disposed
of in accordance with section 10, of the
Plant Quarantine Act (7 U.S.C. 164a) and
107 of the Federal Plant Pest Act (7
U.S.C. 150dd, 150ff).

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

(1) Imported by the U.S. Department
of Agriculture for experimental or
scientific purposes;

(2) Imported at the Plant Germplasm
Quarantine Center, Building 320,
Beltsville Agricultural Research Center
East, Beltsville, MD 20705, or at a port of
entry designated by an asterisk in
§ 319.37-14(b);

(3) Imported pursuant to a
Departmental permit issued for such
article and kept on file at the port of
entry;

(4) Imported under conditions
specified on the Departmental permit
and found by the Deputy Administrator
to be adequate to prevent the
introduction into the United States of
plant pests, i.e., conditions of treatment,
processing, growing, shipment, disposal;
and

(5) Imported with a Departmental 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 Departmental permit
number corresponding to the number of
the Departmental permit issued for such
article.

§ 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:

Deputy Administrator. The Deputy Administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture for Plant Protection and Quarantine, or any other officer or employee of the Department to whom authority to act in his/her stead has been or may hereafter be delegated.

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 employee of Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person, authorized by the Deputy Administrator in accordance with law to enforce the provisions of the regulations in this subpart.

Nursery stock. All field-grown florist's stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruit pits, and other seeds of fruit and ornamental trees or shrubs, and other plants and plant products for propagation, except field, vegetable and flower seeds, bedding plants, and other herbaceous plants, bulbs, and roots.

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

Phytosanitary certificate of inspection. A document relating to a restricted article, which is issued by a plant protection official of the country in which the restricted article was grown, which is issued not more than 15 days prior to shipment of the restricted 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 restricted 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 Quarantine Act, the Federal Plant Pest Act, and related legislation, and regulations promulgated thereunder.

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.

§ 319.75-2 Restricted articles.¹

(a) The following articles from the specified localities or countries are restricted articles:

(1) Seeds of the plant family Cucurbitaceae² if in shipments greater than two ounces, if not for propagation, and if from a country listed in paragraph (b) of this section;

(2) Brassware and wooden screens from Bombay, India;

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

(4) Plant gums shipped as bulk cargo (in an unpackaged state) if from a country listed in paragraph (b) of this section;

(5) Used jute or burlap bagging not containing cargo if from a country listed in paragraph (b) of this section;³

(6) Used jute or burlap bagging from a country listed in paragraph (b) of this section that contains cargo, and the cargo in such bagging;³

(7) Used jute or burlap bagging from a country listed in paragraph (b) of this section 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;³ and

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 (*Capiscum* spp.) and fresh whole red peppers (*Capricum* spp.) from Pakistan are prohibited from being imported into the United States under the provisions of 7 CFR 319.56 et seq.

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

³ Such bagging may be subject to additional restrictions under the provisions in 7 CFR 319.8 et seq.

(8) Whole chilies (*Capiscum* spp.), whole red peppers (*Capiscum* spp.), and cumin seeds (*Cuminum cyminum*) in new jute or burlap bags from Pakistan.

(b) Afghanistan, Algeria, Bangladesh, Burma, Cyprus, Egypt, India, Iran, Iraq, Israel, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Pakistan, Saudi Arabia, Senegal, Sri Lanka, Sudan, Syria, Tunisia, Turkey, and Upper Volta.

§ 319.75-3 Permits.

(a) A restricted article may be imported only after issuance of a written permit by Plant Protection and Quarantine.

(b) An application for a written permit should be submitted to the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, at least 60 days prior to arrival of the article at the port of entry. The completed application shall include the following information:

- (1) Name, address, and telephone number of the importer;
- (2) Approximate quantity and kinds of articles intended to be imported;
- (3) Country or locality of origin;
- (4) Country(ies) or locality(ies) where it is intended to be off-loaded prior to arrival in the United States;
- (5) Intended U.S. port of entry;
- (6) Means of transportation; and
- (7) Expected date of arrival.

(c) After receipt and review of the application by Plant Protection and Quarantine, a written permit indicating the applicable conditions in this subpart for importation under this subpart shall be issued for the importation of articles specified in the application if such articles described in the application appear to be eligible to be imported. Even though a written permit has been issued for the importation of an article, such article may be moved into the United States from the port of entry only

* Application forms are available without charge from the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Hyattsville, MD 20782, or local offices which are listed in telephone directories.

if all applicable requirements of this subpart are met and only if an inspector at the port of entry determines that no emergency measures pursuant to section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) are necessary with respect to such article. ⁵

(d) Any permit which has been issued may be withdrawn by an inspector or the Deputy Administrator if he/she determines that the holder thereof has not complied with any condition for the use of the document. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances permit. Any person whose permit has been withdrawn may appeal the decision in writing to the Deputy Administrator within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully withdrawn. The Deputy Administrator shall grant or deny the appeal, in writing, stating the reasons for the decision as promptly as circumstances permit. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

⁵Section 105 of the Federal Plant Pest Act (7 U.S.C. 150dd) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, dispose of, or render inoperative, he deems appropriate, any article or articles within the section 102 (b) and (c) of the Act (7 U.S.C. 150b) (the use of) any article or articles within the scope subject to this subpart which is subject to import through the United States and which he has reason to believe was introduced or imported from a foreign country and which is the cause of or a source of such pest.

Section 102 (c) of the Federal Plant Pest Act (7 U.S.C. 150c) reads in part that the Secretary may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, dispose of, or render inoperative, he deems appropriate, any article or articles within the section 102 (b) and (c) of the Act (7 U.S.C. 150b) (the use of) any article or articles within the scope subject to this subpart which is subject to import through the United States and which he has reason to believe was introduced or imported from a foreign country and which is the cause of or a source of such pest.

§ 319.76-4 Treatments. ⁶

A restricted article prior to movement into the United States from the port of entry shall be treated under the supervision of an inspector for possible infestation with khapra beetle as set forth below:

(a) Brassware; wooden screens; goatskins; lambskins; sheepskins; plant gums; seeds of the plant family cucurbitaceae; jute or burlap bagging that contains cargo, and the cargo in such bagging (except for articles specified in paragraphs (b) and (c) of this section); and jute or burlap bagging that is used as a packing material, and the cargo for which the jute or burlap bagging is used as a packing material (except for articles specified in paragraphs (b) and (c) of this section).

(1) Fumigation with methyl bromide under a tarpaulin at normal atmospheric pressure in accordance with one of the following schedules:

(i) 40 g/m³ (2½ lb/1000 ft³) for 12 hrs. at 32° C (90° F) or above.

[20 g (oz) minimum gas concentration at 2-4 hrs.].

[15 g (oz) minimum gas concentration at 12 hrs.].

(ii) 56 g/m³ (3½ lb/1000 ft³) for 12 hrs. at 26.5°-31.5° C (80°-89° F).

[30 g (oz) minimum gas concentration at 2-4 hrs.].

[20 g (oz) minimum gas concentration at 12 hrs.].

(iii) 72 g/m³ (4½ lb/1000 ft³) for 12 hrs. at 21°-26° C (70°-79° F).

[40 g (oz) minimum gas concentration at 2-4 hrs.].

[25 g (oz) minimum gas concentration at 12 hrs.].

(iv) 96 g/m³ (6 lb/1000 ft³) for 12 hrs. at 15.5°-20.5° C (60°-69° F).

[50 g (oz) minimum gas concentration at 2-4 hrs.].

[40 g (oz) minimum gas concentration at 12 hrs.].

⁶ There is a possibility that some articles (especially live plants) could be damaged by fumigation.

(v) 120 g/m³ (7½ lb/1000 ft³) for 12 hrs. at 10°–15° C (50°–59° F).

(60 g (oz) minimum gas concentration at 2–4 hrs.).

(35 g (oz) minimum gas concentration at 12 hrs.).

(vi) 144 g/m³ (9 lb/1000 ft³) for 12 hrs. at 4.5°–9.5° C (40°–49° F).

(70 g (oz) minimum gas concentration at 2–4 hrs.).

(40 g (oz) minimum gas concentration at 12 hrs.).

(2) Fumigation with methyl bromide in chamber at normal atmospheric pressure at one of the following schedules:

(i) 40 g/m³ (2½ lb/1000 ft³) for 12 hrs. at 32° C (90° F) or above.

(ii) 56 g/m³ (3½ lb/1000 ft³) for 12 hrs. at 26.5°–31.5° C (80°–89° F).

(iii) 72 g/m³ (4½ lb/1000 ft³) for 12 hrs. at 21°–26° C (70°–79° F).

(iv) 96 g/m³ (6 lb/1000 ft³) for 12 hrs. at 15.5°–20.5° C (60°–69° F).

(v) 160 g/m³ (10 lb/1000 ft³) for 12 hrs. at 10°–15° C (50°–59° F).

(vi) 192 g/m³ (12 lb/1000 ft³) for 12 hrs. at 4.5°–9.5° C (40°–49° F).

(3) Fumigation with methyl bromide in chamber at 680mm (26 inch) vacuum at one of the following schedules:

(i) 128 g/m³ (8 lbs./1000 ft³) for 3 hrs. at 15.5° C (60° F) or above.

(ii) 144 g/m³ (9 lb/1000 ft³) for 3 hrs. at 4.5°–15° C (40°–59° F).

(iii) 160 g/m³ (10 lb/1000 ft³) for 3 hrs. at –1°–4° C (30°–39° F).

Note.—Maximum volume of commodity being treated under subsection (3) shall not exceed 75% of total volume of chamber.

(b) Burlap bagging and jute bagging containing cargo; and flour or finely ground oily meals, and the jute or burlap bagging used as a container or packing material for such flour or meals.

(1) Fumigation with methyl bromide under a tarpaulin at normal atmospheric pressure at one of the following schedules:

(i) 64 g/m³ (4 lb/1000 ft³) for 24 hrs. at 32° C (90° F) or above.

(10 g (oz) gas concentration in commodity at 4–24 hrs.).

(35 g (oz) gas concentration in space at 4–12 hrs.).

(25 g (oz) gas concentration in space at 12–24 hrs.).

(ii) 96 g/m³ (6 lb/1000 ft³) for 24 hrs. at 26.5°–31.5° C (80°–89° F).

(15 g (oz) gas concentration in commodity at 4–24 hrs.).

(50 g (oz) gas concentration in space at 4–12 hrs.).

(30 g (oz) gas concentration in space at 12–24 hrs.).

(iii) 128 g/m³ (8 lbs/1000 ft³) for 24 hrs. at 21°–26° C (70°–79° F).

(20 g (oz) gas concentration in commodity at 4–24 hrs.).

(65 g (oz) gas concentration in space at 4–12 hrs.).

(35 g (oz) gas concentration in space at 12–24 hrs.).

(iv) 192 g/m³ (12 lb/1000 ft³) for 24 hrs. at 15.5°–20.5° C (60°–69° F).

(30 g (oz) gas concentration in commodity at 4–24 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–24 hrs.).

(v) 192 g/m³ (12 lb/1000 ft³) for 28 hrs. at 10°–15° C (50°–59° F).

(30 g (oz) gas concentration in commodity at 4–28 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–28 hrs.).

(vi) 192 g/m³ (12 lb/1000 ft³) for 32 hrs. at 4.5°–9.5° C (40°–49° F).

(30 g (oz) gas concentration in commodity at 4–32 hrs.).

(95 g (oz) gas concentration in space at 4–12 hrs.).

(50 g (oz) gas concentration in space at 12–32 hrs.).

(2) Fumigation with methyl bromide in a chamber at normal atmospheric pressure at one of the following schedules:

(i) 64 g/m³ (4 lb/1000 ft³) for 24 hrs. at 32° C (90° F) or above.

(ii) 96 g/m³ (6 lb/1000 ft³) for 24 hrs. at 26.5°–31.5° C (80°–89° F).

(iii) 128 g/m³ (8 lbs/1000 ft³) for 24 hrs. at 21°–26° C (70°–79° F).

(iv) 192 g/m³ (12 lb/1000 ft³) for 24 hrs. at 15.5°–20.5° C (60°–69° F).

(v) 192 g/m³ (12 lb/1000 ft³) for 28 hrs. at 10°–15° C (50°–59° F).

(vi) 192 g/m³ (12 lb/1000 ft³) for 32 hrs. at 4.5°–9.5° C (40°–49° F).

Fumigation with methyl bromide in chamber at 660 mm (26 inch) vacuum of the following schedules:
(1) 128 g/m³ (8 lb/1000 ft³) for 3 hrs. at 15.5°C (60°F) or above.
(2) 144 g/m³ (9 lb/1000 ft³) for 3 hrs. at 4.5°-15°C (40°-59°F).

Note.—Maximum volume of commodity to be treated under subsection (3) shall not exceed 75% of the total volume of chamber.

(4) Baled cotton lint, cotton linters, cotton waste, and cotton piece goods; and the jute or burlap bagging used as a container or packing material for such baled cotton lint, cotton linters, cotton waste, or cotton piece goods.

(5) Fumigation with methyl bromide under a tarpaulin or in a chamber at normal atmospheric pressure at one of the following schedules:

(1) 28 g/m³ (8 lb/1000 ft³) for 24 hours at 15.5°C 60°F or above

(2) 5 g (oz.) concentration in commodity 4-24 hrs.)

(3) 5 g (oz.) concentration in space 4-12 hrs.)

(4) 5 g (oz.) concentration in space 12-24 hrs.)

(5) 76 g/m³ (11 lb/1000 ft³) for 24 hrs. at 4.5°-15°C (40°-59°F)

(6) 10 g (oz.) concentration in commodity 4-24 hrs.)

(7) 5 g (oz.) concentration in space 4-24 hrs.)

(8) 10 g (oz.) concentration in space 12-24 hrs.)

Note.—Maximum volume of commodity to be treated under subsection (1) shall not exceed 50% of the total volume of chamber. Concentration readings may be omitted for other fumigations.

Fumigation with methyl bromide in chamber at 660mm (26 inch) vacuum of the following schedules:

(1) 28 g/m³ (8 lb/1000 ft³) for 3 hrs. at 15.5°C (60°F) or above.

(2) 144 g/m³ (9 lb/1000 ft³) for 3 hrs. at 4.5°-15°C (40°-59°F).

Note.—Maximum volume of commodity to be treated under subsection (2) shall not exceed 75% of the total volume of chamber.

§ 319.75-5 Marking and identity.

(a) Any restricted article at the time of importation shall plainly and correctly bear on the outer container (if in a container) or on the restricted 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, and

(5) Identifying shipper's mark and number.

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

§ 319.75-6 Arrival notification.

Promptly upon arrival of any restricted 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.

§ 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.² The importer shall be responsible for arrangements for treatments required under § 319.75-4. Any treatment required under § 319.75-4 for a restricted 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.

§ 319.75-8 Ports of entry.

Any restricted article shall be imported only at a port of entry listed in § 319.37-14 of this Part and found by the Deputy Administrator and specified on the permit issued pursuant to § 319.75-3 to have a nongovernmental fumigator available at the port to treat such restricted article pursuant to § 319.75-4. It is the responsibility of the importer to

page with the nongovernmental
inspector for treatment of the article.

**19.75-4 Inspection and phytosanitary
certificate of inspection.**

a) Any nursery stock, plant, fruit,
vegetable, root, bulb, seed, or other plant
product designated as a restricted
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 restricted
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 restricted
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
from such diseases and pests and whether
such article is otherwise eligible to be
imported into the United States.

Secs. 3 and 9: 37 Stat. 116; 318; 7 U.S.C. 159,
160; secs. 105, 106, and 107: 71 Stat. 32-34; 7
U.S.C. 150dd, 150ee, 150ff; 7 CFR 2.17, 2.51,
2.571.2(c)

Done at Washington, D.C., this 27th day of
February, 1985.

William F. Helms,

*Associate Deputy Administrator, Plant
Protection and Quarantine, Animal and Plant
Health Inspection Service.*

[FR Doc. 85-5180 Filed 3-4-85; 8:45 am]

BILLING CODE 34 10-34-4
