

§ 330.205

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of dissemination of the pest. Danger of plant pest dissemination may be deemed to exist when:

(1) No acceptable safeguards adequate to prevent plant pest dissemination can be arranged;

(2) The destructive potential of the plant pest to plants, and parts and products thereof, should it escape despite proposed safeguards, outweighs the probable benefits to be derived from the proposed movement and use of the pest;

(3) The applicant, as a previous permittee, failed to maintain the safeguards or otherwise observe the conditions prescribed in a previous permit and failed to demonstrate his ability or intent to observe them in the future;

(4) The movement is adverse to the conduct of an eradication, suppression, control, or regulatory program of the Animal and Plant Health Inspection Service; or

(5) The movement is objected to in writing by an appropriate official of a State, Territory or possession, or the District of Columbia on the ground it will involve a danger of dissemination of the plant pest into the State, Territory or possession, or District.

(b) The Deputy Administrator may cancel any outstanding permit whenever:

(1) Information is received subsequent to the issuance of the permit of circumstances that constitute cause for the denial of an application for permit under paragraph (a) of this section; or

(2) The permittee has not maintained the safeguards or otherwise observed the conditions specified in the permit or in any applicable regulations or administrative instructions.

(c) Any person denied a permit, or whose permit has been canceled, may request the Deputy Administrator in person or in writing for a reconsideration, and may submit any additional information he may have to support the original application.

§ 330.205 Disposal of plant pests when permits are canceled.

When an outstanding permit for the movement of a plant pest is canceled by the Deputy Administrator and not reinstated under § 330.204(c), the further

movement of the plant pest covered thereby into or through the United States, or interstate, is prohibited by the Plant Protection Act unless authorized in another permit. The permittee should arrange for disposal of the plant pest involved in a manner satisfactory to the Deputy Administrator to prevent plant pest dissemination. The Deputy Administrator 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, or otherwise dispose of, in such manner as he deems appropriate, any plant pest which is moving without compliance with any conditions in the permit or the provisions of this part or after the permit has been canceled.

[24 FR 10825, Dec. 29, 1959, as amended at 66 FR 21058, Apr. 27, 2001]

§ 330.206 Permits for plant pest movement associated with National Defense projects.

The Deputy Administrator will facilitate research associated with National Defense projects through issuance of permits for movement of plant pests for such research, upon receiving assurance satisfactory to him that adequate safeguards will surround utilization of the plant pests to prevent their dissemination.

§ 330.207 Permits for movement of organisms issued by other agencies.

Inspectors shall recognize permits for the movement of organisms issued under other acts by other Federal agencies. When such organisms are also plant pests, any further conditions of movement to carry out the purposes of the Plant Protection Act which have been prescribed in administrative instructions, or in correspondence concerning a single shipment, shall be complied with but no additional permit will be required under this part.

[24 FR 10825, Dec. 29, 1959, as amended at 66 FR 21058, Apr. 27, 2001]