§ 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.3 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.

[46 FR 38334, July 27, 1981]

§ 319.75–8 Ports of entry.

Any restricted article shall be imported only at a port of entry identified 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 arrange with the nongovernmental fumigator for treatment of the article.


§ 319.75–9 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 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]

Subpart—Gypsy Moth Host Material from Canada

SOURCE: 64 FR 45866, Aug. 23, 1999, unless otherwise noted.

§ 319.77–1 Definitions.


Canadian infested area. Any area of Canada listed as a gypsy moth infested area in §319.77–3 of this subpart.

3Provisions relating to costs for other services of an inspector are contained in 7 CFR part 354.
§ 319.77–2 Regulated articles.

In order to prevent the spread of gypsy moth from Canada into non-infested areas of the United States, the gypsy moth host materials listed in paragraphs (a) through (g) of this section are designated as regulated articles. Regulated articles may be imported into the United States from Canada only under the conditions described in §319.77–4 of this subpart.

(a) Trees without roots (e.g., Christmas trees), unless they were greenhouse-grown throughout the year;
(b) Trees with roots, unless they were greenhouse-grown throughout the year;
(c) Shrubs with roots and persistent woody stems, unless they were greenhouse-grown throughout the year;
(d) Logs with bark attached;
(e) Pulpwood with bark attached;
(f) Bark and bark products;
(g) Outdoor household articles; and
(h) Mobile homes and their associated equipment.

§ 319.77–3 Gypsy moth infested areas in Canada.

The following areas in Canada are known to be infested with gypsy moth:

(a) Province of New Brunswick—(1) Charlotte County. That portion of Charlotte County that includes the following parishes: Campobello Island, Dumbarton, Dufferin, Grand Manan Island, St. Andrews, St. Croix, St. David, St. George, St. James, St. Patrick, and St. Stephen.

(2) Kings County. That portion of Kings County that includes the following parishes: Greenwich, Kars, and Springfield.