§ 319.40–4 Application for a permit to import regulated articles; issuance and withdrawal of permits.

(a) Application procedure. A written application for a permit must be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations Permit Unit, 4700 River Road Unit 136, Riverdale, MD 20737–1236. The completed application must include the following information:

1. The specific type of regulated article to be imported, including the genus and species name of the tree from which the regulated article was derived;
2. Country, and locality if known, where the tree from which the regulated article was derived was harvested;
3. The quantity of the regulated article to be imported;
4. A description of any processing, treatment or handling of the regulated article to be performed prior to importation, including the location where any processing or treatment was or will be performed and the names and dosage of any chemicals employed in treatments;
5. A description of any processing, treatment, or handling of the regulated article intended to be performed following importation, including the location where any processing or treatment will be performed and the names and dosage of any chemicals employed in treatments.

(Approved by the Office of Management and Budget under control numbers 0579–0049 and 0579–0257)

§ 319.40–4 Application forms for permits are available without charge from the Administrator, c/o the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 4700 River Road, Riverdale, MD 20737, or local offices of Plant Protection and Quarantine, which are listed in telephone directories.
An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).
or deny the appeal, in writing, stating the reasons for granting or denying the appeal as promptly as circumstances permit. If there is a conflict as to any material fact and the person from whom the permit is withdrawn requests a hearing, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing shall be adopted by the Administrator.

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


§ 319.40–5 Importation and entry requirements for specified articles.

(a) Bamboo timber. Bamboo timber consisting of whole culms or canes may be imported into Guam or the Northern Mariana Islands subject to inspection and other requirements of §319.40–9. Bamboo timber consisting of whole culms or canes that are completely dry as evidenced by lack of moisture in node tissue may be imported into any part of the United States subject to inspection and other requirements of §319.40–9.

(b) Monterey pine logs and lumber from Chile and New Zealand; Douglas-fir logs and lumber from New Zealand—(1) Logs—(i) Requirements prior to importation. Monterey or Radiata pine (Pinus radiata) logs from Chile or New Zealand and Douglas-fir (Pseudotsuga menziesii) logs from New Zealand that are accompanied by a certificate stating that the logs meet the requirements of paragraph (b)(1)(i)(A) through (D) of this section, and that are consigned to a facility in the United States that operates under a compliance agreement in accordance with §319.40–8.

(ii) Requirements upon arrival in the United States. The following requirements apply upon arrival of the logs in the United States.

(A) The logs must be kept segregated from other regulated articles from the time of discharge from the means of conveyance until the logs are completely processed at a facility in the United States that operates under a compliance agreement in accordance with §319.40–8.

(B) The logs must be moved from the port of first arrival to the facility that operates under a compliance agreement in accordance with §319.40–8 by as direct a route as reasonably possible.

(iii) Requirements at the processing facility. The logs must be consigned to a facility operating under a compliance agreement in accordance with §319.40–8 and includes the following requirements:

(A) Logs or any products generated from logs, including lumber, must be heat treated in accordance with part 305 of this chapter, or heat treated with moisture reduction in accordance with part 305 of this chapter.

(B) The logs, including sawdust, wood chips, or other products generated from the logs in the United States, must be processed in accordance with paragraph (b)(1)(iii) of this section within 60 days from the time the logs are released from the port of first arrival.

in 45 days following the date the trees are felled and prior to arrival of the logs in the United States, in the holds or in sealable containers. Fumigation must be conducted in the same sealable container or hold in which the logs and regulated wood packaging material are exported to the United States.

(D) During shipment to the United States, no other regulated article is permitted on the means of conveyance with the logs, unless the logs and the other regulated articles are in separate holds or separate sealed containers, or, if the logs and other regulated articles are mixed in a hold or sealed container, the other regulated articles either have been heat treated with moisture reduction in accordance with part 305 of this chapter, or have been fumigated in the hold or sealed container in accordance with paragraph (b)(1)(i)(C) of this section.

(ii) Requirements upon arrival in the United States. The following requirements apply upon arrival of the logs in the United States.

(A) The logs must be kept segregated from other regulated articles from the time of discharge from the means of conveyance until the logs are completely processed at a facility in the United States that operates under a compliance agreement in accordance with §319.40–8.

(B) The logs must be moved from the port of first arrival to the facility that operates under a compliance agreement in accordance with §319.40–8 by as direct a route as reasonably possible.

(iii) Requirements at the processing facility. The logs must be consigned to a facility operating under a compliance agreement in accordance with §319.40–8 and includes the following requirements:

(A) Logs or any products generated from logs, including lumber, must be heat treated in accordance with part 305 of this chapter, or heat treated with moisture reduction in accordance with part 305 of this chapter.

(B) The logs, including sawdust, wood chips, or other products generated from the logs in the United States, must be processed in accordance with paragraph (b)(1)(iii) of this section within 60 days from the time the logs are released from the port of first arrival.

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