Animal and Plant Health Inspection Service, USDA § 301.85–5

of other applicable Federal domestic plant quarantines have been met.

(c) Restricted destination permits may be issued by an inspector to allow
the interstate movement (for other than scientific purposes) of regulated
articles (except soil samples for processing, testing, or analysis) to any des-
tination permitted under all applicable Federal domestic plant quarantines if
such articles are not eligible for cer-
tification under all such quarantines
but would otherwise qualify for certifi-
cation under this subpart.

(d) Scientific permits to allow the
interstate movement of regulated arti-
cles and certificates or permits to
allow the movement of soil samples for
processing, testing, or analysis in
emergency situations may be issued by
the Deputy Administrator under such
conditions as may be prescribed in each
specific case by the Deputy Adminis-
trator to prevent the spread of the
golden nematode.

(e) Certificate, limited permit, and
restricted destination permit forms
may be issued by an inspector to any
person for use for subsequent ship-
ments of regulated articles (except for
soil samples for processing, testing, or
analysis) provided such person is oper-
ating under a compliance agreement;
and any such person may be authorized
by an inspector to reproduce such
forms on shipping containers or other-
wise. Any such person may execute and
issue the certificate forms, or repro-
ductions of such forms, for the inter-
state movement of regulated articles
from the premises of such person iden-
tified in the compliance agreement if
such person has treated such regulated
articles to destroy infestation in ac-
cordance with part 305 of this chapter;
and if such regulated articles are eligi-
bale for certification for movement to
any destination under all Federal do-
mestic plant quarantines applicable to
such articles. Any such person may execute
and issue the limited permit forms, or reproductions of such
forms, for the interstate movement of
regulated articles not eligible for cer-
tification under all Federal domestic
plant quarantines applicable to such
articles, under the conditions specified
in paragraph (c) of this section.

(f) Any certificate or permit which
has been issued or authorized may be
withdrawn by the inspector or the Dep-
uty Administrator if he or she deter-
mines that the holder thereof has not
complied with any condition for the
use of such document imposed by this
subpart. Prior to such withdrawal, the
holder of the certificate of permit shall
be notified of the proposed action and
the reason therefor and afforded rea-
sonable opportunity to present his or
her views thereon.

§ 301.85–5 Compliance agreement and
 cancellation thereof.

(a) Any person engaged in the busi-
ness of growing, handling, or moving
regulated articles may enter into a
compliance agreement to facilitate the
movement of such articles under this
subpart. Compliance agreement forms
may be obtained from the Deputy Ad-
ministrator or an inspector.

(b) Any person engaged in the busi-
ness of removing soil from Irish pota-
toes by the process of grading, wash-
ing, or fluming may enter into a com-
pliance agreement concerning such op-
erations. The compliance agreement
shall be a written agreement between
the person conducting such operations
and Plant Protection and Quarantine
wherein such person agrees to conduct
such operations in a manner which, in
the judgment of the inspector superv-
ising enforcement of the quarantine
and regulations, will substantially re-
move the soil from the potatoes.

(c) Any compliance agreement may
be canceled by the inspector who is su-
ervising its enforcement whenever the
inspector finds, after notice and rea-
sonable opportunity to present views
has been accorded to the other party
thereto, that such other party has
failed to comply with the conditions of
the agreement.

[37 FR 24330, Nov. 16, 1972, as amended at 70
FR 33268, June 7, 2005]