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(b) Satisfactory evidence is presented to the port director that such sculpture or mural was exported from the country of origin on or before June 1, 1973; or

(c) Satisfactory evidence is presented to the port director that such sculpture or mural is not an article listed in §12.105.

[T.D. 73–119, 38 FR 10807, May 2, 1973, as amended by T.D. 82–145, 47 FR 35477, Aug. 16, 1982; CBP Dec. 15–14, 80 FR 61285, Oct. 13, 2015]

§12.108 Detention of articles; time in which to comply.

If the importer cannot produce the certificate or evidence required in §12.107 at the time of making entry, the port director shall take the sculpture or mural into Customs custody and send it to a bonded warehouse or public store to be held at the risk and expense of the consignee until the certificate or evidence is presented to such officer. The certificate or evidence must be presented within 90 days after the date on which the sculpture or mural is taken into Customs custody, or such longer period as may be allowed by the port director for good cause shown.

[T.D. 73–119, 38 FR 10807, May 2, 1973]

§12.109 Seizure and forfeiture.

(a) Whenever any pre-Columbian monumental or architectural sculpture or mural listed in §12.105 is detained in accordance with §12.108 and the importer states in writing that he will not attempt to secure the certificate or evidence required, or such certificate or evidence is not presented to the port director prior to the expiration of the time provided in §12.108, the sculpture or mural shall be seized and summarily forfeited to the United States in accordance with part 162 of this chapter.

(b) Any pre-Columbian monumental or architectural sculpture or mural which is forfeited to the United States shall in accordance with the provisions of Title II of Pub. L. 92–587, 19 U.S.C. 2093(b):

(1) First be offered for return to the country of origin, and shall be returned if that country presents a request in writing for the return of the article and agrees to bear all expenses incurred incident to such return; or

(2) If not returned to the country of origin, be disposed of in accordance with law, pursuant to the provisions of section 609, Tariff Act of 1930, as amended (19 U.S.C. 1609), and §162.46 of this chapter.

[T.D. 73–119, 38 FR 10807, May 2, 1973, as amended by T.D. 82–145, 47 FR 35477, Aug. 16, 1982]

PESTICIDES AND DEVICES

§12.110 Definitions.

Except as otherwise provided below, the terms used in §§12.111 through 12.117 have the meanings set forth for those terms in the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 *et seq.*), hereinafter referred to as ''the Act.'' The term *Administrator* means the Administrator of the Environmental Protection Agency.

[T.D. 75–194, 40 FR 32321, Aug. 1, 1975, as amended by CBP Dec. 16-15, 81 FR 67143, Sept. 30, 2016]

§12.111 Registration.

Certain imported pesticides are required to be registered under the provisions of section 3 of the Act, and under the regulations (40 CFR part 152) promulgated thereunder by the Administrator before being permitted entry into the United States. Devices, although not required to be registered, must not bear any statement, design, or graphic representation that is false or misleading in any particular.

[T.D. 75–194, 40 FR 32321, Aug. 1, 1975, as amended by CBP Dec. 16-15, 81 FR 67143, Sept. 30, 2016]

§12.112 Notice of arrival of pesticides and devices.

(a) *General.* An importer or the importer's agent desiring to import pesticides or devices into the United States must submit to the Administrator, prior to the arrival of the shipment in the United States, a Notice of Arrival of Pesticides and Devices (Notice of Arrival) on U.S. Environmental Protection Agency (EPA) Form 3540–1. The Administrator will complete the Notice of Arrival and provide notification to the importer or the importer's