

DIVISION 3
IMPORTATION OF SAND, QUARRIED, OR MINED PRODUCTS

CHAPTER 13
IMPORTATION OF SAND, QUARRIED, OR MINED PRODUCTS

2010 COMPILERNOTE: Promulgated by the Department of Agriculture and effective 1996.

§ 13100. Definitions.

As used in these regulations, the following terms shall have the following meanings:

(a) “Department” means the Department of Agriculture, government of Guam.

(b) “Director” means the Director of Agriculture, Guam Department of Agriculture.

(c) “Fee” means a fixed charge for a service.

(d) “Host” means plant or animal or part thereof, soil container, vehicles, or other article known or suspected to be infested or contaminated with agricultural pests.

(e) “Inspector” or “agent” means Department employee or deputy authorized by the Director to carry out any power granted by Division 6 of Title 5, Guam Code Annotated.

(f) “Person” means any person, association, organization, partnership, business, trust or corporation.

(g) “Person importing” means the person who imports or their responsible agent in Guam. A person importing must be established in Guam or have a responsible agent who is so established.

(h) “Pest” means any insect, fungus, bacterium, virus, or other form of animal and plant life known or suspected to be injurious to Guam crops and livestock or poisonous to fish.

(i) “Regulated article” means any pest or host designated as such in Chapter 61 of Title 5, Guam Code Annotated, or in any plant and animal quarantine or control regulation.

(j) “Sand, quarried, or mined product” means any mineral,

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whether natural or man-made, that can serve as the host or medium for pests.

(k) “Testing” or “tested” means the procedure or process to determine chemical composition and to discover pests or presence of soil.

(l) “Treatment” means the procedure or process to destroy or sterilize pests.

§ 13101. Import Permit Required.

No person shall import any sand, quarried or mined product without first obtaining an import permit from the Department. Failure to obtain an import permit will result in the sand, quarried, or mined product shipment being rejected and refused entry into Guam and will subject the importing person to punishment as prescribed in § 61110 of Title 5, Guam Code Annotated. An import permit shall be obtained prior to the loading of the sand, quarried, or mined products on a vessel so as to insure compliance with required certificates and documents.

§ 13102. Permit and Other Fees.

Fees for permits and other services will be based on the Department's approved fee schedule.

§ 13103. Certificates and Other Documents Required.

Any person importing sand, quarried, or mined products into Guam shall provide to the Director or agent certificates and documents as listed in items (a), (b), (c), and (d) below, at least twenty-four (24) hours prior to the arrival of shipment on island:

- (a) Chemical Composition Report;
- (b) Pest Free Certification;
- (c) Treatment Certificate; and
- (d) Certificate of Origin.

Only certificates issued by the appropriate agencies, i.e. Certificate of Origin issued by the Ministry of Trade or Exports for foreign shipments, or by independent Chambers of Commerce for U. S. shipments; Pest Free Certificates, Treatment Certificates, and Chemical Composition Reports issued by the Ministry of Agriculture or Health, or by competent independent state or country-recognized laboratories or companies, shall be acceptable. All certificates shall be issued in either one of the official

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languages of Guam, which are English and Chamorro.

§ 13104. Treatment Required.

Any sand, quarried, or mined product imported into Guam must be treated at the point of origin or loading. Treatment for disinfecting or sterilization shall be as prescribed by the Guam Environmental Protection Agency (GEPA). Treated sand, quarried, or mined products shall be protected from recontamination enroute to Guam.

§ 13105. Inspection and Testing.

The Director, inspectors, or agents shall inspect all sand, quarried, or mined product shipments upon arrival on Guam. If a shipment is found to be natural or unprocessed, samples of the product shall be obtained and tested for chemical composition and presence of soil. The testing shall be conducted by cooperating government agencies, i.e. GEPA for pathogenic pests; CALS, University of Guam for nematodes, other plant pathogens and soil; and as needed, the Department of Public Health and Social Services for human pathogenic pests. The costs for testing shall be borne by the person importing the sand, quarried, or mined product, pursuant to § 61108 of Title 5, Guam Code Annotated.

§ 13106. Notification.

Any person importing sand, quarried, or mined products shall notify the Director or agents and shall furnish to the Director or agent all the required documents in § 13103 of these regulations, including a copy of the import permit, at least twenty-four (24) hours prior to the arrival of shipment on island.

§ 13107. Clearance and Release.

Upon finding that the sand, quarried or mined product is free of any pests, and all required permits and certificates have been provided, including reports, the Director or designee shall notify, in writing, the Customs and Quarantine Agency, to release the sand, quarried or mined products.

§ 13108. Disposition of Contaminated Sand.

Sand, quarried, or mined products found to be contaminated shall be rejected and refused entry into Guam. The finding of contamination shall be by the Director or agent based upon inspection and testing results. In the event that a shipment is found to be contaminated after *it* has been offloaded

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on Guam, all soil, rocks, materials, equipment, supplies, or whatever other article or item the contaminated product comes in contact with, shall be decontaminated, as prescribed by GEPA or other competent government agencies, or shall be disposed of off-island; no part of the contaminated shipment shall be dumped in Guam's waters. The quantities which may feasibly be decontaminated or must be shipped off-island will be determined by the Director or agent. The costs for decontamination or shipping off-island shall be borne by the person importing the products.

§ 13109. Compliance With Other Laws and Regulations.

Compliance with these regulations does not remove the responsibility for compliance with any other federal or Guam law or regulation governing importation of materials into Guam; nor does it relieve the person importing the sand, quarried, and mined product into Guam from any liability, civil or criminal, to which the person may become subject through the use of sand, quarried, or mined product.

§ 13110. Exception.

The Director may waive treatment of sand, quarried, or mined products from any area that has been deemed pest free, based on the test results from previous shipments from that area. The Director may publish, in a newspaper of general circulation, the findings relative to waiving the treatment of the product from any area. However, tests will continue to be conducted pursuant to § 13105 of these regulations to insure that the area deemed pest free continues to remain pest free.

§ 13111. Liabilities.

Except for the salary and transportation of any inspector or agent during regular working hours, the costs incurred by the Department and its agents for compliance with these regulations, or for the treatment and disposition of the regulated article, shall be borne by the person importing the regulated article. The government of Guam, the Department, Director, agents, inspectors, and cooperating government agencies who assist in any way in implementing these regulations shall in no manner be liable for loss, destruction, or damage of regulated articles subjected to the provisions of these regulations.

§ 13112. Violations and Penalties.

Violation of any provision of these regulations shall be punishable as prescribed in § 61110 of Title 5, Guam Code Annotated, and any other applicable provision of law.

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