

## § 301.64-7

## 7 CFR Ch. III (1-1-01 Edition)

### § 301.64-7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.64-5(c)), who desires to move interstate a regulated article accompanied by a certificate or limited permit shall, as far in advance as possible (should be no less than 48 hours before the desired movement), request an inspector<sup>7</sup> to take any necessary action under this subpart prior to movement of the regulated article.

(b) Such article shall be assembled at such point and in such manner as the inspector designates as necessary to comply with the requirements of this subpart.

[48 FR 54580, Dec. 6, 1983, as amended at 59 FR 67608, Dec. 30, 1994]

### § 301.64-8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at the times during such movement, shall be securely attached to the outside of the containers containing the regulated article, securely attached to the article itself if not in a container, or securely attached to the consignee's copy of the accompanying waybill or other shipping document; *Provided however*, That the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill or other shipping documents only if the regulated article is sufficiently described on the certificate, limited permit, or shipping document to identify such article.

(b) The certificate or limited permit for the movement of a regulated article shall be furnished by the carrier to the consignee at the destination of the shipment.

<sup>7</sup>Inspectors are assigned to local offices of Plant Protection and Quarantine which are listed in telephone directories. Information concerning such local offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

### § 301.64-9 Costs and charges.

The service of the inspector shall be furnished without cost. The U.S. Department of Agriculture will not be responsible for any costs or charges incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

### § 301.64-10 Treatments.

Treatments for regulated articles must be one of the following:

(a) *Apple, grapefruit, orange, pear, plum, pomegranate, quince, and tangerine.* Cold treatment in accordance with the PPQ Treatment Manual. For the full identification of this standard, see § 300.1 of this chapter, "Materials incorporated by reference".

(b) *Soil within the dripline of plants that are producing or that have produced fruits listed in § 301.64-2(a).* Remove host fruits from host plants prior to treatment. Using ground equipment, drench the soil under the host plants with 5 lb a.i. diazinon per acre (0.12 lb or 2 oz avdp per 1,000 ft<sup>2</sup>) mixed with 130 gal of water per acre (3 gal per 1,000 ft<sup>2</sup>). Apply at 14- to 16-day intervals as needed. Repeat applications if infestations become established. In addition to the above, follow all label directions for diazinon.

(c) *Premises.* A field, grove, or area that is located within the quarantined area but outside the infested core area, and that produces regulated articles, must receive regular treatments with either malathion or spinosad bait spray. These treatments must take place at 6-to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for completion of egg and larvae development of the Mexican fruit fly. Determination of the time period must be based on the day degrees model for Mexican fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 oz of technical grade malathion and 9.6 oz of protein hydrolysate per acre. The spinosad bait spray treatment must be applied by aircraft or ground equipment at a rate of 0.01 oz of a USDA-approved spinosad formulation

and 48 oz of protein hydrolysate per acre. For ground applications, the mixture may be diluted with water to improve coverage.

(d) *Grapefruit and oranges*. Methyl bromide in accordance with the PPQ Treatment Manual.

(e) *Grapefruit, oranges, and tangerines*. High-temperature forced air in accordance with the PPQ Treatment Manual.

(f) *Citrons, litchis, longans, persimmons, and white zapotes*. Cold treatment in accordance with the PPQ Treatment Manual (for full identification of this standard, see §300.1 of this chapter, "Materials incorporated by reference") and in accordance with the following schedule:

Treatment	Exposure period
33 °F or below .....	18 days.
34 °F or below .....	20 days.
35 °F or below .....	22 days.

[63 FR 68164, Dec. 10, 1998, as amended at 64 FR 37665, July 13, 1999; 64 FR 71270, Dec. 21, 1999]

**Subpart—Plum Pox**

SOURCE: 65 FR 35264, June 2, 2000, unless otherwise noted.

**§ 301.74 Restrictions on interstate movement of regulated articles.**

No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.<sup>1</sup>

**§ 301.74-1 Definitions.**

The following definitions apply to this subpart.

*Administrator*. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

*Animal and Plant Health Inspection Service*. The Animal and Plant Health

<sup>1</sup>Any properly identified inspector is authorized to stop and inspect persons and means of conveyance and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles a provided in section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd AND 150ff).

Inspection Service (APHIS) of the United States Department of Agriculture.

*Departmental permit*. A document issued by the Administrator in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with §301.74-4 of this subpart.

*Infestation (infested, infected)*. The presence of plum pox or circumstances or symptoms that makes it reasonable to believe that plum pox is present.

*Inspector*. Any employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

*Interstate*. From any State into or through any other State.

*Moved (move, movement)*. Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

*Person*. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

*Plant Protection and Quarantine*. Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

*Plum pox*. A plant disease caused by plum pox potyvirus that can affect many *Prunus* (stone fruit) species, including, but not limited to, almond, apricot, nectarine, peach, plum, and sweet and tart cherry. The strain of plum pox in Pennsylvania does not affect cherry trees.

*Quarantined area*. Any State, or any portion of a State, listed in §301.74-3(c) of this subpart or otherwise designated as a quarantined area in accordance with §301.74-3(b) of this subpart.

*Regulated article*. Any article listed in §301.74-2(a) or otherwise designated as a regulated article in accordance with §301.74-2(b), based on its susceptibility to the form or strain of plum pox detected in the quarantined area.

*State*. The District of Columbia, Puerto Rico, the Northern Mariana Islands,