

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

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

**§ 301.78-1 Definitions.**

In this subpart the following definitions apply:

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

*Certificate.* A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of Mediterranean fruit fly and may be moved interstate to any destination.

*Commercially produced.* Fruits and vegetables that an inspector identifies as having been produced for sale and distribution in mass markets. Such identification will be based on a variety of indicators, including, but not limited to: Quantity of produce, monocultural practices, pest management programs, good sanitation practices including destruction of culls, type of packaging, identification of grower or packing house on the packaging, and documents consigning the shipment to a wholesaler or retailer.

*Compliance agreement.* A written agreement between APHIS and a person engaged in growing, handling, or moving regulated articles, wherein the person agrees to comply with the provisions of this subpart.

*Core area.* The 1 square mile area surrounding each property where Mediterranean fruit fly has been detected.

*Day degrees.* A mathematical construct combining average temperature over time that is used to calculate the

length of a Mediterranean fruit fly life cycle. Day degrees are the product of the following formula, with all temperatures measured in °F: [(Minimum Daily Temp + Maximum Daily Temp)/2] – 54° = Day Degrees.

*Drip line.* The line around the canopy of a plant.

*Infestation.* The presence of the Mediterranean fruit fly or the existence of circumstances that make it reasonable to believe that the Mediterranean fruit fly is present.

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

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

*Limited permit.* A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.78-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

*Mediterranean fruit fly.* The insect known as Mediterranean fruit fly *Ceratitis capitata* (Wiedemann) in any stage of development.

*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.

*Quarantined area.* Any State, or any portion of a State, listed in § 301.78-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.78-3(b) of this subpart.

*Regulated article.* Any article listed in § 301.78-2(a) or (b) of this subpart or otherwise designated as a regulated article in accordance with § 301.78-2(c) of this subpart.

*State.* The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory or possession of the United States.

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<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 as 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, 150ff).