

§ 301.78-2 Regulated articles.

The following are regulated articles:
 (a) The following berries, fruits, nuts, and vegetables.

Almond with husk (*Prunus dulcis* (*P. amygdalus*))
 Apple (*Malus sylvestris*)
 Apricot (*Prunus armeniaca*)
 Avocado (*Persea americana*)
 Black Myrobalan (*Terminalia cherbula*)
 Cherries (sweet and sour) (*Prunus avium*, *P. cerasus*)
 Citrus citron (*Citrus medica*)
 Date (*Phoenix dactylifera*)
 Eggplant (*Solanum melongena* L.), other than commercially produced eggplant
 Fig (*ficus carica*)
 Grape (*Vitis* spp.)
 Grapefruit (*Citrus paradisi*)
 Guava (*Psidium guajava*)
 Japanese persimmon (*Diospyros kaki*)
 Japanese plum (*Prunus salicina*)
 Kiwi (*Actinidia chinensis*)
 Kumquat (*Fortunella japonica*)
 Lemon (*Citrus limon*) except smooth-skinned lemons harvested for packing by commercial packing houses.
 Lemon, Meyer (*Citrus limon* X *reticulata*)
 Lemon, Rough (*Citrus jambhiri*)
 Lime, sweet (*Citrus aurantiifolia*)
 Loquat (*Eriobotrya japonica*)
 Mandarin orange (*Citrus reticulata*) (tangerine)
 Mango (*Mangifera indica*)
 Mock orange (*Murraya exotica*)
 Mountain apple (*Syzigium malaccense* (*Eugenia malaccensis*))
 Natal plum (*Carissa macrocarpa*)
 Nectarine (*Prunus persica* var. *nectarina*)
 Olive (*Olea europea*)
 Opuntia cactus (*Opuntia* spp.)
 Orange, calamondin (*Citrus reticulata* x. *Fortunella*)
 Orange, Chinese (*Fortunella japonica*)
 Orange, king (*Citrus reticulata* x. *C. sinensis*)
 Orange, sweet (*Citrus sinensis*)
 Orange, Unshu (*Citrus reticulata* var. *Unshu*)
 Papaya (*Carica papaya*)
 Peach (*Prunus persica*)
 Pear (*Pyrus communis*)
 Pepper (*Capsicum frutescens*, *C. annum*)
 Pineapple guava (*Feijoa sellowiana*)
 Plum (*Prunus americana*)
 Pomegranate (*Punica granatum*)

Prune (*Prunus domestica*)
 Pummelo (*Citrus grandis*)
 Quince (*Cydonia oblonga*)
 Rose apple (*Eugenia jambos*)
 Sour orange (*Citrus aurantium*)
 Spanish cherry (Brazilian plum) (*Eugenia dombeyi* (*E. brasiliensis*))
 Strawberry guava (*Psidium cattleianum*)
 Surinam cherry (*Eugenia uniflora*)
 Tomato (pink and red ripe) (*Lycopersicon esculentum*)
 Walnut with husk (*Juglans* spp.)
 White sapote (*Casimiroa edulis*)
 Yellow oleander (Bestill) (*Thevetia peruviana*)

Any berries, fruits, nuts, or vegetables that are canned or dried or frozen below -17.8 °C. (0 °F.) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the berries, fruits, nuts, or vegetables listed in paragraph (a) of this section.

(c) Any other article, product, or means of conveyance, not covered by paragraphs (a) or (b) of this section, that presents a risk of spread of the Mediterranean fruit fly and an inspector notifies the person in possession of it that the article, product, or means of conveyance is subject to the restrictions of this subpart.

[56 FR 57576, Nov. 13, 1991, as amended at 59 FR 25791, May 18, 1994; 62 FR 33538, June 20, 1997; 62 FR 47556, Sept. 10, 1997]

§ 301.78-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator shall list as a quarantined area in paragraph (c) of this section, each State, or each portion of a State, in which the Mediterranean fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Mediterranean fruit fly is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the Mediterranean fruit fly has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed