

**Animal and Plant Health Inspection Service, USDA**

**§ 318.58-4**

Strawberry.  
Tamarind beanpod (*Tamarindus indica*).  
Tomato.  
Turnip.  
Watercress.  
Waterlily root, lotus root (*Nelumbium nelumbo*).  
Yam, name (*Dioscorea* spp.).  
Yautia, taniel (*Xanthosoma* spp.).  
Yuca, cassava (*Manihot esculenta*).

(3) Cactus plants or parts thereof from the Virgin Islands of the United States may be moved to Guam, Puerto Rico, or the continental United States when they have been given an approved treatment and are so certified by an inspector.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 30 FR 749, Jan. 23, 1965; 36 FR 24917, Dec. 24, 1971. Redesignated and amended at 54 FR 3580, Jan. 25, 1989; 55 FR 5436, Feb. 15, 1990]

**§ 318.58-3 Conditions of movement.**

(a) *To any destination.* Any regulated articles may be moved interstate from Puerto Rico or the Virgin Islands of the United States in accordance with this subpart to any destination if:

(1) The movement is authorized by a valid certificate issued in accordance with § 318.58-4, or

(2) The movement is exempted from certificate requirements by administrative instructions in this subpart.

(b) *To a foreign destination after transiting the continental United States.* Fruits and vegetables from Puerto Rico and the Virgin Islands of the United States that are otherwise prohibited movement from those territories into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with § 318.58-12 of this subpart.

(c) *Segregation of certified articles.* Articles authorized for movement by a certificate after treatment in accordance with § 318.58-4(b), taken aboard any ship, vessel, other surface craft, or aircraft in Puerto Rico or the Virgin Islands of the United States, must, under the supervision of an inspector, be segregated and protected from infestation by any plant pest or disease.

(d) *Attachment of certificates.* Except as otherwise provided for certain air cargo and containerized cargo on ships

moved in accordance with § 318.58-10, each box, bale, crate, or other container of regulated articles moved under a certificate shall have the certificate attached to the outside of the container: *Provided*, that if a certificate is issued for a shipment of more than one container or for bulk products, the certificate shall be attached to or stamped on the accompanying waybill, manifest, or bill of lading.

[54 FR 3580, Jan. 25, 1989, as amended at 58 FR 7962, Feb. 11, 1993]

**§ 318.58-4 Issuance of certificates or limited permits.**

Under the following conditions, an inspector may issue a certificate or limited permit for the movement of regulated articles to be moved in accordance with this subpart:

(a) *Certification on basis of inspection or nature of lot involved.* An inspector may issue a certificate for fruits and vegetables designated in § 318.58-2(b)(1) after he has inspected them and found that they appear free from infestation and infection, or has determined without an inspection that the lot for shipment is of such a nature that there appears to be no danger of infestation or infection.

(b) *Certification on basis of treatment.* Fruits and vegetables designated in § 318.58-2(b) may be certified after undergoing an approved treatment contained in the Plant Protection and Quarantine Treatment Manual under the supervision of an inspector and if the articles are handled after treatment in accordance with all conditions that the inspector requires. The Plant Protection and Quarantine Treatment Manual is incorporated by reference. For the full identification of this standard, see § 300.1, "materials incorporated by reference." Treatments shall be applied at the expense of the shipper, owner, or person in charge of the articles. The Department of Agriculture or its inspector will not be responsible for loss or damage resulting from any treatment prescribed or supervised under this subpart.

(c) An inspector may issue a limited permit for the movement of fruits and vegetables otherwise prohibited movement under this subpart, if the articles

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are to be moved in accordance with § 318.58-12 of this subpart.

[54 FR 3581, Jan. 25, 1989, as amended at 58 FR 7962, Feb. 11, 1993]

**§ 318.58-4a Administrative instructions authorizing the movement from Puerto Rico of frozen fruits and vegetables.**

(a) The type of treatment designated in this subpart as freezing shall be one of the commercially-acceptable methods that involves initial freezing at subzero temperatures and subsequent storage at not higher than 0° F., with a storage tolerance of plus 20° F. Such treatments are commonly known as quick freezing, sharp freezing, frozen-pack, or cold-pack. Any equivalent freezing method is also included in this designation.

(b) The Deputy Administrator of the Plant Protection and Quarantine Programs is satisfied that the movement of all fruits and vegetables specified in § 318.58-2, when frozen, will not result in the dissemination of injurious insects. Accordingly, pursuant to the authority contained in the proviso of § 318.58-2, all fruits and vegetables specified therein, when frozen, are hereby removed from a prohibited status and are included in the list for which movement from Puerto Rico into or through any other State, Territory, or District is authorized in § 318.58-3. Freezing is hereby prescribed as an approved treatment meeting the treatment requirements for the movement of fruits and vegetables specified in § 318.58-3.<sup>1</sup>

(c) The inspector in Puerto Rico shall determine that such fruits and vegetables are in a satisfactory frozen state before issuing a certificate. The inspector on the mainland will release the shipment on the basis of the certificate issued in Puerto Rico.

(d) The movement from Puerto Rico of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the Deputy Ad-

ministrator of the Plant Protection and Quarantine Programs, be destroyed by freezing.

(e) Freezing of fruits and vegetables as authorized in these instructions is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for movement in accordance with these instructions.

[24 FR 10777, Dec. 29, 1959. Redesignated at 54 FR 3581, Jan. 25, 1989]

**§ 318.58-5 Application for inspection.**

Persons intending to move any of the products for which certification is required under § 318.58-3 shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application shall show the quantity of the products which it is proposed to move, their identifying marks and numbers, their exact location, and the contemplated date of shipment. Forms on which to make application for inspection will be furnished, upon request, by the United States Department of Agriculture, Plant Protection and Quarantine Programs.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 36 FR 24917, Dec. 24, 1971. Redesignated at 54 FR 3580, Jan. 25, 1989]

**§ 318.58-6 Marking of containers.**

No products for which certification is required under § 318.58-3 shall be moved unless the crate, box, bale, or other container thereof is so marked with the marks and numbers given on the application that it may be identified at the port of first arrival.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963]

**§ 318.58-7 Products as ships' stores or in the possession of passengers and crew.**

The movement of products is permitted from Puerto Rico or the Virgin Islands of the United States as ships' stores or in the possession of passengers and crew on ships or other

<sup>1</sup>Further information concerning the movement of frozen fruits and vegetables from Puerto Rico may be obtained from the Plant Protection and Quarantine Programs, Room 4, Post Office Bldg., P.O. Box 3386, San Juan, PR 00901.