

pest escape: *And provided further*, That such prohibitions shall not prohibit the movement of plant cuttings or plants that have been (1) freed from sand, soil, and earth, (2) subsequently potted and established in sphagnum moss or other packing material approved under §319.37-16 that had been stored under shelter and had not been previously used for growing or packing plants, (3) grown thereafter in a manner satisfactory to an inspector of the Plant Protection and Quarantine Programs to prevent infestation through contact with sand, soil, or earth, and (4) certified by an inspector of the Plant Protection and Quarantine Programs as meeting the requirements of paragraphs (c) (1), (2), and (3) of this section.

(d) As used in this section, the term *State, Territory, or District of the United States* means "Guam, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

### Subpart—Guam

#### QUARANTINE

#### § 318.82 Notice of quarantine.

(a) Pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U.S.C. 161, 162) and sections 103 and 106 of the Federal Plant Pest Act (7 U.S.C. 150bb, 150ee), and after public hearing, it has been determined that it is necessary to quarantine Guam to prevent the spread to other parts of the United States of dangerous insect infestations and plant diseases, which are new to or not heretofore widely prevalent or distributed within and throughout the United States, including among others: *Icerya aegyptiaca* (Dougl.), *Xanthomonas citri* (Hasse) Dowson, *Aleurocanthus spiniferus* (Q.), *Phyllocnistis citrella* (Stainton), *Coccus viridis* (Green), *Anomala sulcatula* Burm., *Furcaspis oceanica* Ldgr., *Stephanoderes hampei* (Ferr.), *Pectinophora scutigera* (Holdaway), *Dacus dorsalis* Hend., *Dacus cucurbitae* (Coq.), *Marcua testulalis* (Geyer), *Lampides boeticus* (L.), *Prays endocarpa* Meyr., *Prodenia litura* (F.), *Euscepes postfasciatus* (Fairm.), *Earias fabia* (Stoll), *Elsinoe*

*batatas* (Saw.) Viegas and Jenkins, *Uredo dioscoreae-alatae* Rac., *Cercospora batatae* Zimm., *Coniothyrium* sp., *Phyllosticta colocasiophila* Weed., *Xanthomonas vasculorum* (Cobb) Dowson, *Rhabdoscelus obscurus* (Boisd.), *Neomaskellia bergii* (Sign.), *Pyrausta nubilalis* (Hbn.), *Physoderma zeaemaydis* Shaw, *Leptocorisa acuta* (Thunb.), *Adoretus sinicus* Burm., and *Holotrichia mindanaona* Brenske, as well as other plant pests, and Guam is hereby quarantined because of such insect infestations and diseases and other plant pests, and regulations are prescribed in this subpart governing the movement of carriers of these pests.

(b) No plants or parts thereof capable of propagation; seeds; fruits or vegetables; cotton or cotton covers; sugarcane or parts or by-products thereof; cereals; cut flowers; or packing materials; as such articles are defined in regulations supplemental hereto, shall be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person from Guam into or through any other State, Territory, or District of the United States, in any manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: *Provided*, That whenever the Deputy Administrator of the Plant Protection and Quarantine Programs shall find that existing conditions as to the pest risk involved in the movement from Guam of the articles designated herein, make it safe to modify, by making less stringent, the restrictions contained in any regulations in this subpart or in any other subpart in this chapter made applicable thereto by this subpart, he shall publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent with respect to such movement, whereupon such modification shall become effective; or he may, when the public interests will permit in specific cases, upon notification to the consignor and to the consignee, authorize the interstate movement from Guam of the articles to which such regulations apply, under

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conditions that are less stringent than those contained in the regulations.

(c) Regulations governing the movement of live plant pests designated in this section are contained in Part 330 of this chapter.

**REGULATIONS**

**§ 318.82-1 Definitions.**

Words used in the singular form in this subpart shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Plants.* Trees, shrubs, vines, cuttings, grafts, scions, buds, herbaceous plants, bulbs, roots, and other plants and plant parts intended for propagation.

(b) *Seeds.* The mature ovular bodies produced by flowering plants, containing embryos capable of developing into new plants by germination.

(c) *Fresh fruits and vegetables.* The edible, more or less succulent, portions of food plants in the raw or unprocessed state.

(d) *Cotton and cotton covers.* Any parts or products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (not including yarn, thread, and cloth); cottonseed hulls, cake, meal, and other cottonseed products except oil; cotton waste, including gin waste and thread waste; and any other unmanufactured parts of cotton plants; and secondhand burlap and other fabrics, shredded or otherwise, which have been used, or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricultural roots, rhizomes, tubers, or other underground crops.

(e) *Sugarcane or parts or by-products thereof.* Stems of sugarcane (*Saccharum* spp.), or cuttings or parts thereof, sugarcane leaves, or bagasse or other parts of sugarcane plants, except seeds, not sufficiently processed to remove plant pest danger.

(f) *Cereals.* Seed and other plant parts of all members of the grass family (Gramineae) which yield grain or seed suitable for food, including, but not

limited to, wheat, rice, corn and related plants. This definition shall include straw, hulls, chaff and products of the milling process (but excluding flour) of such grains and seeds as well as stalks and all other parts of broomcorn.

(g) *Cut flower.* The highly perishable commodity known in the commercial flower-producing industry as a cut flower, and being the severed portion of a plant, including the inflorescence, and any parts of the plant attached thereto, in a fresh state.

(h) *Packing materials.* Any plant or plant product, or soil as defined in § 330.100(t) of this chapter, or other substance associated with or accompanying any commodity or shipment to serve for filling, wrapping, ties, lining, mats, moisture retention, protection, or any other auxiliary purpose. The word "packing," as used in the expression "packing materials," shall include the presence of such materials within, in contact with, or accompanying such commodity or shipment.

(i) *Administrative instructions.* Published documents relating to the enforcement of the regulations in this subpart, issued under the authority of such regulations by the Deputy Administrator of the Plant Protection and Quarantine Programs.

(j) *State, Territory, or District of the United States.* Guam, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States (including Alaska).

(k) *United States.* The States, the District of Columbia, Guam, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

(l) *Oceania.* The islands of the Central and South Pacific, including Micronesia, Melanesia, and Polynesia, as well as Australia, New Zealand, and the Malay Archipelago.

(m) *Far East.* The countries of East and Southeast Asia, including Japan, Korea, Taiwan, the northeastern provinces of Manchuria, the Philippines, Indo-China, and India.

**§ 318.82-2 Movement of regulated articles.**

(a) Plants, plant products, and other articles designated in § 318.82 may be moved from Guam into or through any