

infestation with *Cuscuta* spp. in accordance with the applicable provisions of the Plant Protection and Quarantine Treatment Manual.

(e) Seeds of all species of the plant family *Rutaceae* from Afghanistan, Andaman Islands, Argentina, Bangladesh, Brazil, Burma, Caroline Islands, Comoro Islands, Fiji Islands, Home Island in Cocos (Keeling) Islands, Hong Kong, India, Indonesia, Ivory Coast, Japan, Kampuchea, Korea, Madagascar, Malaysia, Mauritius, Mozambique, Nepal, Oman, Pakistan, Papua New Guinea, Paraguay, Peoples Republic of China, Philippines, Reunion Island, Rodriguez Islands, Ryukyu Islands, Saudi Arabia, Seychelles, Sri Lanka, Taiwan, Thailand, Thursday Island, United Arab Emirates, Uruguay, Vietnam, Yemen (Sanaa), and Zaire, at the time of arrival at the port of first arrival in the United States shall be treated for possible infection with citrus canker by being immersed in water at 125 °F (51.6 °C) or higher for 10 minutes, and then immersed for a period of at least 2 minutes in a solution containing 200 parts per million sodium hypochlorite at a pH of 6.0 to 7.5.

(f) Seeds of *Castanea* and *Quercus* from all countries except Canada and Mexico at the time of arrival at the port of first arrival in the United States shall be treated for possible infestation with *Curculio elephas* (Cyllenhal), *C. nucum* L., *Cydia (Laspeyresia) splendana* Hubner, *Pammene fusciana* L. (*Hemimene juliana* (Curtis)) and other insect pests of chestnut and acorn in accordance with the applicable provisions of the Plant Protection and Quarantine Treatment Manual.

[45 FR 31585, May 13, 1980; 45 FR 35305, May 27, 1980, as amended at 45 FR 49504, July 25, 1980; 57 FR 43148, 43150, Sept. 18, 1992; 60 FR 62320, Dec. 6, 1995; 61 FR 51210, Oct. 1, 1996]

§ 319.37-7 Postentry quarantine.

(a) The following restricted articles, from the designated countries and localities, and any increase therefrom must be grown under postentry quarantine conditions specified in paragraphs (c) and (d) of this section, and may be imported or offered for importation into the United States only:

(1) If destined for a State that has completed a State postentry quarantine agreement in accordance with paragraph (c) of this section;

(2) If a postentry quarantine growing agreement has been completed and submitted to Plant Protection and Quarantine in accordance with paragraph (d) of this section. The agreement must be signed by the person (the importer) applying for a written permit for importation of the article in accordance with § 319.37-3; and,

(3) If Plant Protection and Quarantine has determined that the completed postentry quarantine growing agreement fulfills the applicable requirements of this section and that services by State inspectors are available to monitor and enforce the postentry quarantine:

Restricted Article (excluding seeds)	Foreign Country(ies) or Locality(ies) from which imported
<i>Abelmoschus</i> spp. (okra).	All except Africa, Bangladesh, Brazil, Canada, India, Iraq, Papua New Guinea, Sri Lanka, and Trinidad and Tobago.
<i>Acacia</i> spp. (acacia)	All except Australia, Canada, and Oceania.
<i>Acer</i> spp. (maple)	All except Canada, Europe, and Japan.
<i>Actinidia</i> spp. (Chinese gooseberry, kiwi).	All except Australia, Canada, Japan, New Zealand, and Taiwan.
<i>Aesculus</i> spp. (horsechestnut).	All except Canada, Czechoslovakia, Federal Republic of Germany, Romania, and the United Kingdom.
<i>Althaea</i> spp. (althaea, hollyhock).	All except Africa, Bangladesh, Canada, India, and Sri Lanka.
<i>Berberis</i> spp. (barberry) destined to any State except the eradication States listed in § 301.38-2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All.
<i>Blighia sapida</i> (akee) ...	All except Canada, Ivory Coast, and Nigeria.
<i>Bromeliaceae</i> (bromeliads) destined to Hawaii.	All.
<i>Cedrus</i> spp. (cedar)	All except Canada and Europe.
<i>Chaenomeles</i> spp. (flowering quince) meeting the conditions for importation in § 319.37-5(b).	Countries listed in § 319.37-5(b) except Canada.

Animal and Plant Health Inspection Service, USDA

§ 319.37-7

<i>Restricted Article (excluding seeds)</i>	<i>Foreign Country(ies) or Locality(ies) from which imported</i>	<i>Restricted Article (excluding seeds)</i>	<i>Foreign Country(ies) or Locality(ies) from which imported</i>
<i>Chrysanthemum</i> spp. (chrysanthemum) meeting the conditions in § 319.37-5(c).	All except Argentina, Brazil, Canada, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.	<i>Ligustrum</i> spp. (privet)	All except Canada and Europe.
<i>Crataegus monogyna</i> Jacq. (hawthorne, thornapple, red haw).	Europe.	<i>Mahoberberis</i> spp. destined to any State except the eradication States listed in § 301.38-2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All.
<i>Crocsmia</i> spp. (montebretia) (except bulbs) not meeting the conditions for importation in § 319.37-5(l).	All except Africa, Argentina, Brazil, Canada, France, Italy, Luxembourg, Malta, Mauritius, Portugal, Spain, and Uruguay.	<i>Mahonia</i> spp. (mahonia) destined to any State except the eradication States listed in § 301.38-2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38-1 of this chapter).	All.
<i>Cydonia</i> spp. (quince) meeting the conditions for importation in § 319.37-5(b).	Countries listed in § 319.37-5(b) except Canada.	<i>Malus</i> spp. (apple, crabapple) meeting the conditions for importation in § 319.37-5(b).	Countries listed in § 319.37-5(b) except Canada.
<i>Datura</i> spp.	All except Canada, Colombia and India.	<i>Mespilus germanica</i> (medlar).	Countries listed in § 319.37-5(b) except Canada.
<i>Dendranthema</i> spp. (chrysanthemum) meeting the conditions in § 319.37-5(c).	All except Argentina, Brazil, Canada, Canary Islands, Chile, Colombia, Europe, Republic of South Africa, Uruguay, Venezuela, and all countries, territories, and possessions of countries located in part or entirely between 90° and 180° East longitude.	<i>Morus</i> spp. (mulberry)	All except Canada, India, Japan, Korea, People's Republic of China, Thailand, and the geographic area formerly known as the Union of Soviet Socialist Republics.
<i>Dianthus</i> spp. (carnation, sweet-william).	Great Britain, unless exempted from postentry quarantine conditions pursuant to § 319.37-5(d), and all other countries and localities except Canada.	Nut and fruit articles (see fruit and nut articles).	
<i>Eucalyptus</i> spp.	All except Canada, Europe, Sri Lanka, and Uruguay.	<i>Passiflora</i> spp. (passion fruit, granadilla).	All except Canada.
<i>Euonymus</i> spp. (euonymus).	All except Canada, Japan, and Europe.	<i>Philadelphus</i> spp. (mock orange).	All except Canada and Europe.
<i>Fragaria</i> spp. (strawberry).	All except Australia, Austria, Canada, Czechoslovakia, France, Great Britain, Italy, Japan, Lebanon, The Netherlands, New Zealand, Northern Ireland, Republic of Ireland, Switzerland, and Union of Soviet Socialist Republics.	<i>Picea</i> spp. (spruce)	All except Canada, Europe, Japan, and Siberia.
<i>Fraxinus</i> spp (ash)	All except Canada and Europe.	<i>Pinus</i> spp. (pine) (2-or-3 leaved).	All except Canada, Europe, and Japan.
Fruit and nut articles listed by common name in paragraph (b) of this section.	All except Canada.	<i>Populus</i> spp. (aspen, cottonwood, poplar).	All except Canada and Europe.
<i>Gladiolus</i> spp. (gladiolus) (except bulbs) not meeting the condition for importation in § 319.37-5(l).	All except Africa, Argentina, Brazil, Canada, France, Italy, Luxembourg, Malta, Mauritius, Portugal, Spain, and Uruguay.	<i>Prunus</i> spp. (almond, apricot, cherry, cherry laurel, English laurel, nectarine, peach, plum, prune) meeting the conditions for importation in § 319.37-5(b).	Countries listed in § 319.37-5(b) except Canada.
<i>Hibiscus</i> spp. (kenaf, hibiscus, rose mallow).	All except Africa, Brazil, Canada, and India.	<i>Pseudolarix</i> spp. (golden larch).	All except Canada, Japan, and Europe.
<i>Humulus</i> spp. (hops) ...	All.	<i>Pseudotsuga</i> spp. (Douglas fir).	All except Canada and Europe.
<i>Hydrangea</i> spp. (hydrangea).	All except Canada and Japan.	<i>Pyrus</i> spp. (pear) meeting the conditions for importation in § 319.37-5(b).	Countries listed in § 319.37-5(b) except Canada.
<i>Jasminum</i> spp. (jasmine).	All except Canada, Belgium, Federal Republic of Germany, Great Britain, India, and the Philippines.	<i>Quercus</i> spp. (oak)	All except Canada and Japan.
<i>Juniperus</i> spp. (juniper)	All except Canada and Europe.	<i>Ribes</i> spp. (currant, gooseberry).	All except Canada and Europe.
<i>Larix</i> spp. (larch)	All except Canada, Japan, and Europe.		

§ 319.37-7

7 CFR Ch. III (1-1-02 Edition)

Restricted Article (excluding seeds)	Foreign Country(ies) or Locality(ies) from which imported
Rosa spp. (rose)	All except Australia, Bulgaria, Canada, Italy, and New Zealand.
Rubus spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry).	All unless exempted from postentry quarantine conditions pursuant to § 319.37-5(e).
Salix spp. (willow)	Europe except Federal Republic of Germany (West), German Democratic Republic (East), Great Britain, and The Netherlands.
Sorbus spp. (mountain ash).	All except Canada, Czechoslovakia, Denmark, and Federal Republic of Germany.
Syringa spp. (lilac)	The Netherlands, if the articles meet the conditions for importation in § 319.37-5(i), and all other places except Canada and Europe.
Ulmus spp. (elm)	All except Canada and Europe.
Watsonia spp. (bugle lily) (except bulbs) not meeting the conditions for importation in § 319.37-5(l).	All except Africa, Argentina, Brazil, Canada, France, Italy, Luxembourg, Malta, Mauritius, Portugal, Spain, and Uruguay.

(b) *Fruit and nut articles* (common names are listed after scientific names).

- Achras*—(Synonym for *Manilkara*)
- Annona*— custard apple, cherimoya, sweetsop, sugarapple, soursop, bullock's heart, alligator apple, suncoya, ilama, guanabana, pond apple
- Anacardium*— cashew
- Artocarpus*— breadfruit, jackfruit
- Averrhoa*— carambola
- Carica*— papaya, pawpaw
- Carissa*— natal plum
- Ceratonia*— St. Johnsbread
- Chrysobalanus*— coco plum
- Chrysophyllum*— starapple
- Corylus*— filbert, hazel, hazelnut, cobnut
- Crataegus*— hawthorne
- Diospyros*— persimmon, kaki, mabola
- Durio*— durian
- Eriobotrya*— loquat, Japanese medlar, Japanese plum
- Euphoria*— longan
- Eugenia*— roseapple, Malayapple, Curacaoapple
- Feijoa*— feijoa, pineapple guava (except from New Zealand if accompanied by a phytosanitary certificate of inspection in accordance with § 319.37-5(k))
- Ficus*— fig
- Garcinia*— mangosteen, gourka
- Juglans*— walnut, butternut, heartnut, regranut, buartnut
- Lansium*— langsat
- Litchi*— lychee, leechee
- Macadamia*— macadamia nut, queensland nut
- Malpighia*— Barbados cherry
- Mammea*— mammeapple, mamey
- Mangifera*— mango
- Manilkara*— sapodilla

- Melicoccus*— honeyberry, mamoncilla, spanish lime, genip
- Nephelium*— rambutan, pulasan
- Olea*— olive
- Persea*— avocado, alligator pear
- Phoenix*— date
- Phyllanthus*— otaheite-gooseberry
- Pistacia*— pistachio
- Psidium*— guava, guayala
- Punica*— pomegranate, granada
- Pyronia*— quinpear
- Rhodomyrtus*— hill gooseberry, rose myrtle
- Spondias*— yellow mombin, red mombin, hog plum
- Syzygium*— Malayapple, rose apple, java plum
- Vaccinium*— blueberry, cranberry
- Ziziphus*— jujube

(c) *State Postentry quarantine agreement.* (1) Articles required to undergo postentry quarantine in accordance with this section may only be imported if destined for postentry quarantine growing in a State which has entered into a written agreement with the Animal and Plant Health Inspection Service, signed by the Administrator or his or her designee and by the State Plant Regulatory Official. In accordance with the laws of individual States, inspection and other postentry quarantine services provided by a State may be subject to charges imposed by the State.

(i) The following States have entered into a postentry quarantine agreement in accordance with this paragraph:

[Reserved]

(2) In any such written agreement, the State shall agree to:

(i) Establish State regulations and requirements prior to the effective date of the agreement and enforce such regulations and requirements necessary to inspect sites and plants growing in postentry quarantine and to monitor and enforce compliance with postentry quarantine growing in accordance with this section;

(ii) Review pending permit applications for articles to be grown under postentry quarantine conditions in the State, upon request of Plant Protection and Quarantine, and report to the Postentry Quarantine Unit of Plant Protection and Quarantine whether the State would be able to provide inspection and monitoring services for the proposed postentry quarantine;

(iii) Provide the services of State inspectors to: inspect sites to be used for

postentry quarantine; report to the Postentry Quarantine Unit of Plant Protection and Quarantine whether the site is of adequate size to contain the number of plants proposed for importation, including potential increase if increase is allowed; inspect plants for evidence of exotic pests at least once during the first year and once during the second year for plants required to be grown in postentry quarantine for 2 years, and at least once for plants required to be grown in quarantine for less than 2 years; and monitor and enforce compliance with the requirements of this section during the use of the sites for postentry quarantine;

(iv) Report to the Postentry Quarantine Unit of Plant Protection and Quarantine any evidence of plant pests that are now known to exist in the United States and that are found at a postentry quarantine site by State inspectors; recommend to Plant Protection and Quarantine safeguards or mitigation measures to control the pests; and supervise the application of safeguards or mitigation measures approved by Plant Protection and Quarantine; and

(v) Report to the Postentry Quarantine Unit of Plant Protection and Quarantine any propagation or increase in the number of plants that occurs during postentry quarantine.

(3) In any such written agreement, the Administrator shall agree to:

(i) Seek State review of permit applications for postentry quarantine material in that State, and issue permits only after determining that State services are available to monitor the postentry quarantine;

(ii) Upon request of the State, provide training, technical advice, and pest identification services to State officials involved in providing postentry quarantine services in accordance with this section;

(iii) Notify State officials, in writing and within ten days of the arrival, when plant material destined for postentry quarantine in their State arrives in the United States, and notify State officials in writing when materials in postentry quarantine may be released from quarantine in their State.

(4) *Termination of State postentry quarantine agreement.* A State postentry quarantine agreement may be terminated by either the Administrator or the State Plant Regulatory Official by giving written notice of termination to the other party. The effective date of the termination will be 60 days after the date of actual receipt of notice, with regard to future importation to that State of articles requiring postentry quarantine in accordance with this section. When a postentry quarantine agreement is terminated by either the State Plant Regulatory Official or the Administrator, APHIS and the affected State shall continue to provide postentry quarantine services in accordance with the postentry quarantine agreement, until the time the plant material is eligible to be released from quarantine, for all postentry quarantine material already in the State, and for all postentry quarantine material that arrives in the State prior to the effective date of termination.

(d) *Postentry quarantine growing agreements.* Any restricted article required to be grown under postentry quarantine conditions, as well as any increase therefrom, shall be grown in accordance with a postentry quarantine growing agreement signed by the person (the importer) applying for a written permit in accordance with §319.37-3 for importation of the article and submitted to Plant Protection and Quarantine. On each postentry quarantine growing agreement, APHIS shall also obtain the signature of the State Plant Regulatory Official for the State in which regulated articles covered by the agreement will be grown. The postentry quarantine growing agreement shall specify the kind, number, and origin of plants to be imported, and shall certify to APHIS and to the State in which the articles are grown that the signer of the agreement will comply with the following conditions for the period of time specified below:

(1) To grow such article or increase therefrom only on specified premises owned, rented, or otherwise in possession of the importer, within a space of dimensions designated by an inspector,

and to move, propagate, or allow propagation of the article or increase therefrom or parts thereof only with the written permission of an inspector and only to the extent prescribed by the inspector;

(2) To permit an inspector to have access to the specified premises for inspection of such article during regular business hours;

(3) To keep the article and any increase therefrom identified with a label showing the name of the article, port accession number, and date of importation;

(4) To keep the article separated from any domestic plant or plant product of the same genus by no less than 3 meters (approximately 10 feet); and from any other imported plant or plant product by the same distance;

(5) To allow or apply remedial measures (including destruction) determined by an inspector to be necessary to prevent the spread of an injurious plant disease, injurious insect pest, or other plant pest;

(6) To notify an inspector, orally or in writing, within 30 days of the time the importer or the person in charge of the growing site finds any abnormality of the article, or the article dies or is killed by the importer, the person in charge of the growing site, or any other person; to retain the abnormal or dead article for at least 60 days following that date of notification; and to give the abnormal or dead article to an inspector upon request;

(7) To grow the article or increase therefrom, if an article of *Rubus* spp. (cloudberry, blackberry, boysenberry, dewberry, loganberry, raspberry) from Europe, only in a greenhouse with screening of a minimum of 16 mesh per inch;

(8) To grow the article or increase therefrom, if an article of *Chrysanthemum* spp. (chrysanthemum) or *Dianthus* spp. (carnation, sweet-william), only in a greenhouse or other enclosed building; and

(9) To comply with the above conditions for a period of 6 months after importation for an article of *Chrysanthemum* spp. (chrysanthemum), for a period of 1 year after importation for an article of *Dianthus* spp. (carnation, sweet-william), and for a period of 2

years after importation for any other such articles.

(e) A completed postentry quarantine agreement shall accompany the application for a written permit for an article required to be grown under postentry quarantine conditions.⁹

(f) *Inspector-ordered disposal, movement, or safeguarding of restricted articles; costs and charges, civil and criminal liabilities.*

(1) *Growing at unauthorized sites.* If an inspector determines that any article subject to the postentry quarantine growing requirements of this section, or any increase therefrom, is being grown at an unauthorized site, the inspector may file an emergency action notification (PPQ form 523) with the owner of the article or the person who owns or is in possession of the site on which the article is being grown. The person named in the form 523 must, within the time specified in form 523, sign a postentry quarantine growing agreement, destroy, ship to a point outside the United States, move to an authorized postentry quarantine site, and/or apply treatments or other safeguards to the article, the increase therefrom, or any portion of the article or the increase therefrom, as prescribed by an inspector to prevent the introduction of plant pests into the United States. In choosing which action to order and in setting the time limit for the action, the inspector shall consider the degree of pest risk presented by the plant pest(s) associated with the kind of article (including increase therefrom), the types of other host materials for the pest in or near the growing site, the climate and season at the site in relation to the pest's survival, and the availability of treatment facilities.

(2) *Growing at authorized sites.* If an inspector determines that any article, or any increase therefrom, grown at a site specified in an authorized

⁹Postentry quarantine agreement forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations, Permit Unit, 4700 River Road Unit 136, Riverdale, Maryland 20737-1236, or local offices of the Plant Protection and Quarantine Programs which are listed in telephone directories.

postentry quarantine growing agreement is being grown contrary to the provisions of this section, including in numbers greater than the number approved by the postentry quarantine growing agreement, or in a manner that otherwise presents a risk of introducing plant pests into the United States, the inspector shall issue an emergency action notification (PPQ form 523) to the person who signed the postentry quarantine growing agreement. That person shall be responsible for carrying out all actions specified in the emergency action notification. The emergency action notification may extend the time for which the articles and the increase therefrom must be grown under the postentry quarantine conditions specified in the authorized postentry quarantine growing agreement, or may require that the person named in the notification must destroy, ship to a point outside the United States, or apply treatments or other safeguards to the article, the increase therefrom, or any portion of the article or the increase therefrom, within the time specified in the emergency action notification. In choosing which action to order and in setting the time limit for the action, the inspector shall consider the degree of pest risk presented by the plant pest(s) associated with the kind of article (including increase therefrom), the types of other host materials for the pest in or near the growing site, the climate and season at the site in relation to the pest's survival, and the availability of treatment facilities.

(3) *Costs and charges.* All costs pursuant to any action ordered by an inspector in accordance with this section shall be borne by the person who signed the postentry quarantine growing agreement covering the site where the articles were grown, or if no such agreement was signed, by the owner of the articles at the growing site.

(4) *Civil and criminal liabilities.* Any person who moves an article subject to postentry quarantine growing requirements from the site specified for that article in an authorized postentry quarantine growing agreement, or who otherwise handles such an article contrary to the requirements of this section, shall be subject to such civil pen-

alties and such criminal liabilities as are provided by 18 U.S.C. 1001, 7 U.S.C. 7734, or other applicable Federal statutes.

(g) *State.* As used in this section, "State" means each of the 50 States of the United States, the District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

(Approved by the Office of Management and Budget under control number 0579-0049)

[45 FR 31585, May 13, 1980; 45 FR 35305, May 27, 1980, as amended at 45 FR 81531, Dec. 11, 1980; 48 FR 57466, Dec. 30, 1983; 57 FR 43148, 43150, Sept. 18, 1992; 58 FR 38267, July 16, 1993; 58 FR 41124, Aug. 2, 1993; 59 FR 67610, Dec. 30, 1994; 61 FR 51210, Oct. 1, 1996; 66 FR 21056, Apr. 27, 2001]

§ 319.37-8 Growing media.

(a) Any restricted article at the time of importation or offer for importation into the United States shall be free of sand, soil, earth, and other growing media, except as provided in paragraph (b), (c), (d) or (e) of this section.

(b) A restricted article from Canada, other than from Newfoundland or from that portion of the Municipality of Central Saanich in the Province of British Columbia east of the West Saanich Road, may be imported in any growing medium.

(c) A restricted article growing solely in agar or in other transparent or translucent tissue culture medium may be imported established in such growing media.

(d) Epiphytic plants (including orchid plants) established solely on tree fern slabs, coconut husks, or coconut fiber may be imported on such growing media.

(e) A restricted article of any of the following groups of plants may be imported established in an approved growing medium listed in this paragraph, if the article meets the conditions of this paragraph, and is accompanied by a phytosanitary certificate issued by the plant protection service of the country in which the article was grown that declares that the article meets the conditions of this paragraph: