

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

**§ 301.45-4**

*Warren County.* The entire county.  
*Westmoreland County.* The entire county.  
*York County.* The entire county.

**West Virginia**

*Barbour County.* The entire county.  
*Berkeley County.* The entire county.  
*Braxton County.* The entire county.  
*Brooke County.* The entire county.  
*Calhoun County.* The entire county.  
*Doddridge County.* The entire county.  
*Gilmer County.* The entire county.  
*Grant County.* The entire county.  
*Greenbrier County.* The entire county.  
*Hampshire County.* The entire county.  
*Harrison County.* The entire county.  
*Hancock County.* The entire county.  
*Hardy County.* The entire county.  
*Jefferson County.* The entire county.  
*Lewis County.* The entire county.  
*Marion County.* The entire county.  
*Marshall County.* The entire county.  
*Mineral County.* The entire county.  
*Monongalia County.* The entire county.  
*Morgan County.* The entire county.  
*Nicholas County.* The entire county.  
*Ohio County.* The entire county.  
*Pendleton County.* The entire county.  
*Pleasants County.* The entire county.  
*Pocahontas County.* The entire county.  
*Preston County.* The entire county.  
*Randolph County.* The entire county.  
*Ritchie County.* The entire county.  
*Taylor County.* The entire county.  
*Tucker County.* The entire county.  
*Tyler County.* The entire county.  
*Upshur County.* The entire county.  
*Webster County.* The entire county.  
*Wetzel County.* The entire county.  
*Wirt County.* The entire county.  
*Wood County.* The entire county.

**Wisconsin**

*Brown County.* The entire county.  
*Calumet County.* The entire county.  
*Columbia County.* The entire county.  
*Dodge County.* The entire county.  
*Door County.* The entire county.  
*Florence County.* The entire county.  
*Fond du Lac County.* The entire county.  
*Forest County.* The entire county.  
*Green Lake County.* The entire county.  
*Jefferson County.* The entire county.  
*Kenosha County.* The entire county.

*Kewaunee County.* The entire county.  
*Langlade County.* The entire county.  
*Manitowoc County.* The entire county.  
*Marinette County.* The entire county.  
*Menominee County.* The entire county.  
*Milwaukee County.* The entire county.  
*Oconto County.* The entire county.  
*Outagamie County.* The entire county.  
*Ozaukee County.* The entire county.  
*Portage County.* The entire county.  
*Racine County.* The entire county.  
*Rock County.* The entire county.  
*Shawano County.* The entire county.  
*Sheboygan County.* The entire county.  
*Walworth County.* The entire county.  
*Washington County.* The entire county.  
*Waukesha County.* The entire county.  
*Waupaca County.* The entire county.  
*Waushara County.* The entire county.  
*Winnebago County.* The entire county.  
*Wood County.* The entire county.

[58 FR 39423, July 23, 1993, as amended at 59 FR 46902, Sept. 13, 1994; 62 FR 29287, May 30, 1997; 62 FR 36646, July 9, 1997; 63 FR 25748, May 11, 1998; 63 FR 38280, July 16, 1998; 64 FR 40510, July 27, 1999; 66 FR 37114, July 17, 2001; 67 FR 41810, June 20, 2002]

**§ 301.45-4 Conditions governing the interstate movement of regulated articles and outdoor household articles from generally infested areas.**

(a) Regulated articles and outdoor household articles from generally infested areas. (1) A regulated article, except for an article moved in accordance with paragraph (c) of this section, shall not be moved interstate from any generally infested area into or through any area that is not generally infested unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45-5 and 301.45-8.<sup>4</sup>

(2) An outdoor household article shall not be moved interstate from any generally infested area into or through any area that is not generally infested unless a certificate or OHA document has been issued and attached to such outdoor household article in accordance with §§ 301.45-5 and 301.45-8.

(b) A regulated article originating outside of any generally infested area

<sup>4</sup>Requirements under all other applicable Federal domestic plant quarantines must also be met.

may be moved interstate directly through any generally infested area without a certificate or permit if the point of origin of the article is clearly indicated by shipping documents, its identity has been maintained, and it has been safeguarded against infestation while in any generally infested area during the months of April through June. To be safeguarded, the article must be in an enclosed vehicle, or completely enclosed by a covering adequate to prevent access by gypsy moths, such as canvas, plastic, or closely woven cloth.

(c) A regulated article originating in a generally infested area may be moved interstate from a generally infested area without a certificate if it complies with (1) or (2) of this paragraph:

(1) The article is moved by the U.S. Department of Agriculture for experimental or scientific purposes, and:

(i) Is moved pursuant to a permit issued for each article by the Administrator;

(ii) Is moved in accordance with conditions specified on the permit and found by the Administrator to be adequate to prevent the dissemination of the gypsy moth, i.e., conditions of treatment, processing, shipment, and disposal; and

(iii) Is moved with a tag or label securely attached to the outside of the container containing the article or securely attached to the article itself if not in a container, and with such tag or label bearing a permit number corresponding to the number of the permit issued for such article.

(2) The article is logs, pulpwood, or wood chips, and the person moving the article has attached a signed accurate statement to the waybill or other shipping documents accompanying the article stating that he or she has inspected the article in accordance with the Gypsy Moth Program Manual no more than 5 days prior to the date of movement and has found no life stages of gypsy moth on the article.

**§301.45-5 Issuance and cancellation of certificates, limited permits, and outdoor household article documents.**

(a) A certificate may be issued by an inspector for the movement of a regu-

lated article or an outdoor household article (OHA) if the inspector determines that it is eligible for certification for movement to any destination under all Federal domestic plant quarantines applicable to such article and:

(1) It has originated in noninfested premises in a generally infested area and has not been exposed to the gypsy moth while within the generally infested area; or

(2) The inspector inspects the article no more than 5 days prior to the date of movement during the months of April through August (14 days prior to the date of movement from September through March) and finds it to be free of the gypsy moth; or

(3) It has been treated under the direction of an inspector to destroy the gypsy moth in accordance with the treatment manual; or

(4) It has been grown, produced, manufactured, stored, or handled in such a manner that no infestation would be transmitted thereby as determined by an inspector.

(b) Limited permits may be issued by an inspector to allow interstate movement of any regulated article under this subpart to specified destinations for specified handling, utilization, processing, or treatment in accordance with the treatment manual, when, upon evaluation of all of the circumstances involved in each case, the Administrator determines that such movement will not result in the spread of the gypsy moth because life stages of the moths will be destroyed by such specified handling, utilization, processing or treatment, or the pest will not survive in areas to which shipped, and the requirements of all other applicable Federal domestic plant quarantines have been met.

(c) Certificate and limited permit forms may be issued by an inspector to any person for use for subsequent shipments of regulated articles provided the person is operating under a compliance agreement. Any person operating under a compliance agreement may reproduce the forms as needed to attach them to regulated articles moved under a compliance agreement. Any person