

§318.13a

movement of coconuts from Hawaii into or through the continental United States, Guam, Puerto Rico, or the Virgin Islands of the United States.

(c) This subpart leaves in full force and effect §318.30 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain Territories or Districts of the United States of all varieties of sweetpotatoes (*Ipomoea batatas* Poir.). It also leaves in full force and effect §318.60 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain Territories or Districts of the United States of sand, soil, or earth about the roots of plants.

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

[28 FR 13280, Dec. 7, 1963, as amended at 33 FR 14621, Oct. 1, 1968; 36 FR 24917, Dec. 24, 1971; 55 FR 38979, Sept. 24, 1990; 66 FR 21054, Apr. 27, 2001]

§318.13a Administrative instructions providing exemptions from specified requirements.

(a) The following fruits, vegetables, and other products may be moved from Hawaii into or through Guam without certification or other restriction under this subpart:

- (1) [Reserved]
  - (2) Cut flowers, as defined in §318.13-1.
  - (3) All fruits and vegetables designated in §318.13-2(b).
  - (4) Beets, rutabagas, and turnips; when without tops.
- (b) [Reserved]

[33 FR 14621, Oct. 1, 1968, as amended at 54 FR 3578, Jan. 25, 1989; 55 FR 38979, Sept. 24, 1990]

RULES AND REGULATIONS

§318.13-1 Definitions.

For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

*Administrator.* The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other em-

ployee of the Animal and Plant Health Inspection Service to whom authority has been or may be delegated to act in the Administrator's stead.

*Animal and Plant Health Inspection Service.* The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

*Cactus plants.* Any of various fleshy-stemmed plants of the botanical family Cactaceae.

*Certificate.* A document signed by an inspector certifying that a particular ship, vessel, other surface craft, or aircraft, or any specified lot or shipment of fruits or vegetables or other plant materials, via baggage, parcel post, express, freight or other mode of transportation, has been inspected and found apparently free from articles the movement of which is prohibited by the quarantine and regulations in this subpart, and from the plant pests referred to in said quarantine; or that the lot or shipment is of such a nature that no danger of infestation or infection is involved; or that it has been treated in a manner to eliminate infestation. A certificate covering treated products must state the treatment applied.

*Commercial shipment.* Shipment containing fruits and vegetables that an inspector identifies as having been produced for sale or distribution in mass markets. Such identification will be based on a variety of indicators, including, but not limited to: Quantity of produce, type of packaging, identification of grower and packing house on the packaging, and documents consigning the shipment to a wholesaler or retailer.

*Compliance agreement.* Any agreement to comply with stipulated conditions as prescribed under §318.13-3(b), §318.13-4(b), or §318.13-4f of this subpart, executed by any person to facilitate the interstate movement of regulated articles under this subpart.

*Continental United States.* The 48 contiguous States, Alaska, and the District of Columbia.

*Cut flowers.* Any cut blooms, fresh foliage customarily used in the florist trade, and dried decorative plant material.

*Disinfection (disinfect and disinfected).* The application to parts or all of a

ship, vessel, other surface craft, or aircraft of a treatment that may be designated by the inspector as effective against such plant pests as may be present. (“Disinfect” and “disinfected” shall be construed accordingly.)

*Fruits and vegetables.* The more or less succulent portions of food plants, and parts thereof, in raw or unprocessed state, such as bananas, pineapples, potatoes, ginger roots, tomatoes, peppers, mellons, citrus, mangoes, etc.

*Inspector.* An employee of Plant Protection and Quarantine, or a State plant regulatory official designated by the Administrator to inspect and certify to shippers and other interested parties, as to the condition of the products inspected. To be eligible for designation, a State plant regulatory official must have a bachelor’s degree in the biological sciences, a minimum of 2 years’ experience in State plant regulatory activities, and a minimum of 2 years’ experience in recognizing and identifying plant pests known to occur within Hawaii. Six years’ experience in State plant regulatory activities may be substituted for the degree requirement.

*Interstate.* From any State into or through any other State.

*Limited permit.* A document issued by an inspector or a person operating under a compliance agreement for the interstate movement of regulated articles to a specified destination for:

(1) Consumption, limited utilization or processing, or treatment; or

(2) Movement into or through the continental United States in conformity with a transit permit.

*Mango seeds.* Seeds of the fruit of mango (*Mangifera* spp.), fresh or dried.

*Means of conveyance.* For the purposes of § 318.13-17 of this subpart, “means of conveyance” shall mean a ship, truck, aircraft, or railcar.

*Moved (move and movement).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, directly or indirectly, from Hawaii into or through the continental United States, Guam, the Northern Mariana Islands, Puerto Rico, or the Virgin Islands of the United States (or from or into or

through other places as specified in this subpart). Local intrastate movement is in no way affected by the regulations in this subpart. (“Move” and “movement” shall be construed accordingly.)

*Person.* Any individual, corporation, company, society, association, or other organized group.

*Plant pests.* Any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, nonhuman animal, parasitic plant, bacterium, fungus, virus or viroid, infectious agent or other pathogen, or any article similar to or allied with any of those articles.

*Rice straw.* Stems or straw of rice (*Oryza sativa*), when used as packing material or for other purposes.

*Sealed (sealable) container.* A completely enclosed container designed for the storage and/or transportation of commercial air, sea, rail, or truck cargo, and constructed of metal or fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure accessed through doors that are closed and secured with a lock or seal. Sealed (sealable) containers used for sea shipments are distinct and separable from the means of conveyance carrying them when arriving in and in transit through the continental United States. Sealed (sealable) containers used for air shipments are distinct and separable from the means of conveyance carrying them before any transloading in the continental United States. Sealed (sealable) containers used for air shipments after transloading in the continental United States or for overland shipments in the continental United States may either be distinct and separable from the means of conveyance carrying them, or be the means of conveyance itself.

*State.* Each of the 50 States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States, and all other territories and possessions of the United States.

*Transit permit.* A written authorization issued by the Administrator for the movement of fruits and vegetables en route to a foreign destination that

## § 318.13-2

are otherwise prohibited movement by this subpart into or through the continental United States. Transit permits authorize one or more shipments over a designated period of time.

*Transloading.* The transfer of cargo from one sealable container to another, from one means of conveyance to another, or from a sealable container directly into a means of conveyance.

*United States.* The States, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13280, Dec. 7, 1963; 33 FR 14621, Oct. 1, 1968; 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972; 45 FR 42242, June 24, 1980; 52 FR 8864, Mar. 20, 1987; 54 FR 391, Jan. 6, 1989; 55 FR 38979, Sept. 24, 1990; 56 FR 59207, Nov. 25, 1991; 58 FR 7958, Feb. 11, 1993; 59 FR 66641, Dec. 28, 1994; 61 FR 5924, Feb. 15, 1996; 62 FR 36974, July 10, 1997; 67 FR 41157, June 17, 2002]

### § 318.13-2 Regulated articles.

(a)(1) *Prohibited movement.* Fruits, vegetables, and other products specified in § 318.13, and not eligible for inspection and certification under § 318.13-4 or otherwise expressly authorized movement either in the regulations in this subpart or in administrative instructions issued by the Administrator of the Animal and Plant Health Inspection Service are prohibited movement.

(2) Avocados which have been moved to Alaska in accordance with § 318.13-4g are prohibited movement from Alaska into or through other places in the continental United States, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(b) *Regulated movement.* The movement of the following fruits and vegetables from Hawaii is allowed throughout the year upon compliance with the regulations in this subpart:

Aechmea bracteata (Sw.) Griseb, fruit-bearing panicles.  
Allium spp. (bulb only).  
Allium tuberosum.  
Arrowhead (Sagittaria sagittifolia).  
Arrowroot (Maranta arundinacea).  
Artichoke, globe (Cynara scolymus).  
Artichoke, Jerusalem (Helianthus tuberosus).  
Asparagus (Asparagus officinalis).  
Bean sprouts, soy (Glycine hispida).

## 7 CFR Ch. III (1-1-03 Edition)

Bean sprouts, mungo (Phaseolus aureus).  
Beets (Beta vulgaris).  
Broccoli (Brassica oleracea (Botrytis group)).  
Brussel sprouts (Brassica oleracea (Gemifera group)).  
Burdock, great (Arctium lappa, Lappa major, L. edulis).  
Butterbur (Petasites japonicus).  
Cabbage (Brassica oleracea).  
Cabbage, Chinese (Brassica pekinensis, B. chinensis).  
Carrot (Daucus carota sativa).  
Cassava (Manihot sp.).  
Cauliflower (Brassica oleracea [Botrytis group]).  
Celery (Apium graveolens).  
Chinese spinach (Amaranthus gangeticus).  
Chrysanthemum, garland (Chrysanthemum coronarium).  
Coriander (Coriandrum sativum).  
Dandelion (Taraxacum officinale).  
Dropwort, water (Oenanthe stolonifera).  
Durian (Durio zibethinus).  
Foxheads or Nipple fruits (Solanum mammosum).  
Ginger bracts (Zingiber mioga).  
Ginger root (Zingiber officinale).  
Honewort (Cryptotaenia canadensis).  
Jesuit's nut (Trapa bicornis, T. natans).  
Kudzu (Pueraria thunbergiana).  
Lettuce (Lactuca sativa).  
Lily root (Nelumbium nucifera).  
Mahogany fruit (Swietenia mahagoni (L.) Jacq.).  
Mustard greens (Brassica spp).  
Mugwort (Artemisia vulgaris).  
Nightshade, Malabar (Bassella rubra).  
Parsley (Petroselinum hortense).  
Perilla (Perilla frutescens).  
Pineapples (Ananas sativa), smooth Cayenne.  
Pineapple hybrids 53-116, 59-433, D10, and D20 (Ananas Sativa).  
Potato (Solanum tuberosum).  
Radish greens (Raphanus sativus longipinnatus).  
Radish, oriental (Raphanus sativus longipinnatus).  
Rhubarb (Rheum raphanticum).  
Sausage fruit (Kigelia pinnata (Jacq.)).  
Spinach (Spinacia oleracea).  
Sweet corn (Zea mays).  
Taro root, shoots and stalks (Colocasia antiquorum esculentum).  
Turnips (Brassica rapa).  
Watercress (Nasturtium officinale).  
Waternut (waterchestnut) (Eleocharis dulcis (E. tuberosa) (Scirpus tuberosus)).  
Wood rose (Ipomoea tuberosa L.).  
Yam bean root (Pachyrhizus erosus).  
Yams Dioscorea (spp.).

*Provided,* That additions of other fruits and vegetables may be made to the foregoing list of regulated articles by the Administrator of the Animal and Plant Health Inspection Service when