

**§ 318.30**

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

at the second authorized air stop within the designated corridor. No other transloading of the shipment is allowed, except under extenuating circumstances (e.g., equipment breakdown) and when authorized by an APHIS inspector upon determination by the inspector that the transloading would not significantly increase the risk of the introduction of plant pests or diseases into the continental United States, and provided that APHIS inspectors are available to provide supervision.

(j) *Duration and location of storage.* Any storage in the continental United States of fruits and vegetables shipped under this section must be for a duration and in a location authorized in the transit permit required by paragraph (a) of this section. Areas where such fruits and vegetables are stored must be either locked or guarded at all times the fruits and vegetables are present. Cargo shipped under this section must be kept in a sealed container while stored in the continental United States.

(k) *Temperature requirement.* Except for time spent on aircraft and except during storage and transloading of air shipments, the temperature in the sealed containers containing fruits and vegetables moved under this section must be 60 °F or lower from the time the fruits and vegetables leave Hawaii until they exit the continental United States.

(1) *Prohibited materials.* (1) The person in charge of or in possession of a sealed container used for movement into or through the continental United States under this section must ensure that the sealed container is carrying only those fruits and vegetables authorized by the transit permit required under paragraph (a) of this section; and

(2) The person in charge of or in possession of any means of conveyance or container returned to the United States without being reloaded after being used to export fruits and vegetables from the United States under this section must ensure that the means of conveyance or container is free of materials prohibited importation into the United States under this chapter.

(m) Authorization by APHIS of the movement of fruits and vegetables into

or through the continental United States under this section does not imply that the fruits and vegetables are enterable into the destination country. Shipments returned to the United States from the destination country shall be subject to all applicable regulations, including "Subpart—Fruits and Vegetables" of part 319 of this chapter, and part 352 of this chapter.

(n) Any restrictions and requirements with respect to the arrival, temporary stay, unloading, transloading, transiting, exportation, or other movement or possession in the United States of any fruits or vegetables under this section shall apply to any person who, respectively, brings into, maintains, unloads, transloads, transports, exports, or otherwise moves or possesses in the United States such fruits or vegetables, whether or not that person is the one who was required to have a transit permit or limited permit for the fruits or vegetables or is a subsequent custodian of the fruits or vegetables. Failure to comply with all applicable restrictions and requirements under this section by such a person shall be deemed to be a violation of this section.

(Approved by the Office of Management and Budget under control number 0579-0088)

[58 FR 7959, Feb. 11, 1993; 58 FR 40190, July 27, 1993, as amended at 59 FR 67133, Dec. 29, 1994; 59 FR 67609, Dec. 30, 1994]

**Subpart—Sweetpotatoes**

**§ 318.30 Notice of quarantine.**

(a) The Administrator of the Animal and Plant Health Inspection Service has determined that it is necessary to quarantine Hawaii and Puerto Rico to prevent the spread to other parts of the United States of the sweetpotato scarabee (*Euscepes postfasciatus* Fairm.), and the sweetpotato stem borer (*Omphisa anastomosalis* Guen.), dangerous insect infestations new to and not widely prevalent or distributed within or throughout the United States, and that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread to other parts of the United States of the sweetpotato scarabee.

(b) Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), Hawaii, Puerto Rico, and the Virgin Islands of the United States are quarantined to prevent the spread of the sweetpotato scarabee (*Euscepes postfasciatus* Fairm.) and the sweetpotato stem borer (*Omphisa anastomosalis* Guen.).

(c) No variety of sweetpotatoes (*Ipomoea batatas* Poir.) shall be 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 by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not prohibit the movement of sweetpotatoes in either direction between Puerto Rico and the Virgin Islands of the United States; nor prohibit the movement of sweetpotatoes by the U.S. Department of Agriculture for scientific or experimental purposes; nor prohibit the movement from Puerto Rico or the Virgin Islands of the United States of sweetpotatoes which the Deputy Administrator of the Plant Protection and Quarantine Programs may authorize under permit or certificate to such northern ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes under the supervision of an inspector of said Programs either in Puerto Rico or the Virgin Islands of the United States or at the designated port of arrival, in a manner approved by the said Deputy Administrator; nor prohibit the movement from Hawaii of sweetpotatoes which the Deputy Administrator of the Plant Protection and Quarantine Programs may authorize under permit or certificate to such ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes in Hawaii under the supervision of an inspector of said Programs, in a manner approved by the said Deputy Administrator: *Provided, further*, That whenever the Deputy Administrator of the Plant Protection

and Quarantine Programs shall find that facts exist as to pest risk involved in the movement of sweetpotatoes or any classification thereof to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective.

(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."

[24 FR 10777, Dec. 29, 1959, as amended at 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972; 66 FR 21054, Apr. 27, 2001]

**§ 318.30a Administrative instructions authorizing movement from Puerto Rico of certain sweetpotatoes grown under specified conditions.**

The Deputy Administrator of the Plant Protection and Quarantine Programs hereby finds that facts exist as to the pest risk involved in the movement of sweetpotatoes to which § 318.30 applies, making it safe to modify by making less stringent the requirements of § 318.30 with respect to washed sweetpotatoes graded by inspectors of the Commonwealth of Puerto Rico in accordance with Puerto Rican standards which do not provide a tolerance for insect infestation or evidence of insect injury and found by such inspectors to comply with such standards. Hereafter, in addition to movement authorized under § 318.30(c), such sweetpotatoes will be eligible for inspection by a Branch inspector to determine whether they are free of the sweetpotato scarabee (*Euscepes postfasciatus* Fairm.) and for certification for movement from Puerto Rico to Baltimore, Maryland, and Atlantic Coast ports north thereof if found free of such insect, provided the sweetpotatoes are certified by an inspector of the Commonwealth of Puerto Rico as having been so washed and graded and as having been grown in accordance with the following procedures: