

§ 301.64-2

7 CFR Ch. III (1-1-05 Edition)

carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

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

Plant Protection and Quarantine. The organizational unit within the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, delegated responsibility for enforcing provisions of the Plant Protection Act and related legislation, quarantines, and regulations.

Regulated area. Any State, or any portion thereof, listed in §301.64-3(c) or otherwise designated as a regulated area in accordance with §301.64-3(b).

Regulated article. Any article listed in §301.64-2 of otherwise designated as a regulated article in accordance with §301.64-2(c).

State. Each of the several 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.

[48 FR 54580, Dec. 6, 1983, as amended at 57 FR 521, Jan. 7, 1992; 66 FR 21051, Apr. 27, 2001]

§ 301.64-2 Regulated articles.

(a) The following fruits are regulated articles:

- Apple (*Malus sylvestris*)
- Apricot (*Prunus armeniaca*)
- Avocado (*Persea americana*)
- Calamondin orange (*X citrofortunella mitis*)
- Cherimoya (*Annona cherimola*)
- Citrus citron (*Citrus medica*)
- Custard apple (*Annona reticulata*)
- Grapefruit (*Citrus paradisi*)
- Guava (*Pisidium guajava*)
- Japanese plum (*Prunus salicina*)
- Lemon (*Citrus limon*) except Eureka, Lisbon, and Villa Franca cultivars (smooth-skinned sour lemon)
- Lime (*Citrus aurantiifolia*) except sour limes
- Mamey (*Mammea americana*)
- Mandarin orange (tangerine) (*Citrus reticulata*)
- Mango (*Mangifera indica*)
- Nectarine (*Prunus persica*)
- Peach (*Prunus persica*)
- Pear (*Pyrus communis*)
- Plum (*Prunus americana*)
- Pomegranate (*Punica granatum*)
- Prune, Plum (*Prunus domestica*)
- Plummelo (Shaddock) (*Citrus maxima*)

- Quince (*Cydonia oblonga*)
- Rose apple (*Syzygium jambos* (*Eugenia jambos*))
- Sour orange (*Citrus aurantium*)
- Sapote (*Casimiroa spp.*)
- Sapota, Sapodilla (Sapotaceae)
- Sargentia, yellow chapote (*Sargentia greggii*)
- Spanish plum, purple mombin or Ciruela (*Spondias spp.*)
- Sweet orange (*Citrus sinensis*)

Except that the list does not include any fruits which have been canned, or frozen below -17.8 °C (0 °F);

(b) Soil within the drip line of plants which are producing or have produced the fruits listed in paragraph (a) of this section, and

(c) Any other product, article, or means of conveyance, of any character whatsoever, not covered by paragraph (a) or paragraph (b) of this section, when it is determined by an inspector that it presents a risk of spread of the Mexican fruit fly and the person in possession thereof has actual notice that the product, article or means of conveyance is subject to the restrictions of this section.

[48 FR 54580, Dec. 6, 1983, as amended at 64 FR 71269, Dec. 21, 1999]

§ 301.64-3 Regulated areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Deputy Administrator shall list as a regulated area in paragraph (c) of this section, each quarantined State, or each portion thereof, in which the Mexican fruit fly has been found by an inspector or in which the Deputy Administrator has reason to believe that the Mexican fruit fly is present, or each portion of a quarantined State which the Deputy Administrator deems necessary to regulate because of its proximity to the Mexican fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mexican fruit fly occurs. Less than an entire quarantined State will be designated as a regulated area only if the Deputy Administrator determines that:

(1) The State has adopted and is enforcing a quarantine or regulation which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with

respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Mexican fruit fly.

(b) The Deputy Administrator or an inspector may temporarily designate any nonregulated area in a quarantined State as a regulated area in accordance with the criteria specified in paragraph (a) of this section for listing such area. Written notice of such designation shall be given to the owner or person in possession of such nonregulated area, and, thereafter, the interstate movement of any regulated article from such area shall be subject to the applicable provisions of this subpart. As soon as practicable, such area shall be added to the list in paragraph (c) of this section or such designation shall be terminated by the Deputy Administrator or an inspector, and notice thereof shall be given to the owner or person in possession of the area.

(c) The areas described below are designated as regulated areas:

TEXAS

Cameron County. The entire county.

Hidalgo County. The entire county.

Willacy County. The entire county.

[48 FR 54580, Dec. 6, 1983]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 301.64-3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 301.64-4 Conditions governing the interstate movement of regulated articles from regulated areas in quarantined States.

Any regulated article may be moved interstate from any regulated area in a quarantined State into or through those areas listed in § 301.64(b) of this subpart only if moved under the following conditions:³

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.64-5 and 301.64-8;

(b) Without a certificate or limited permit, if:

³Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

(1) Moved to any State not listed in § 301.64(b) or

(2)(i) Moved directly through (moved without stopping except under normal traffic conditions, such as for traffic lights or stop signs) any regulated area in an enclosed vehicle or completely enclosed by a covering adequate to prevent the introduction of the Mexican fruit fly (such as canvas, plastic, or closely woven cloth), and

(ii) The article originated outside of any regulated area, and

(iii) The point of origin of the article is clearly indicated by shipping documents and its identity has been maintained.

[48 FR 54580, Dec. 6, 1983, as amended at 57 FR 522, Jan. 7, 1992]

§ 301.64-5 Issuance and cancellation of certificates and limited permits.

(a) A certificate shall be issued by an inspector for the movement of a regulated article if such inspector:

(1)(i) Determines that it has been treated under the direction of an inspector⁴ in accordance with § 301.64-10; or

(ii) Determines based on inspection of the premises of origin that the premises are free from the Mexican fruit fly and the article has not been exposed to Mexican fruit fly; or

(iii) Determines based on inspection of the article that it is free from Mexican fruit fly; and

(2) Determines that it is to be moved in compliance with any additional conditions deemed necessary under section 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the spread of the Mexican fruit fly;⁵ and

(3) Determines that it is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to such article.

⁴Treatments shall be monitored by inspectors in order to assure compliance with the requirements in this subpart.

⁵An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).