

(c) Certificates and limited permits for use for interstate movement of regulated articles may be issued by an inspector or person engaged in growing, handling, or moving regulated articles provided the person is operating under a compliance agreement. A person operating under a compliance agreement may execute a certificate for the interstate movement of a regulated article if an inspector has determined that the regulated article is otherwise eligible for a certificate in accordance with paragraph (a) of this section. A person operating under a compliance agreement may execute a limited permit for interstate movement of a regulated article when an inspector has determined that the regulated article is eligible for a limited permit in accordance with paragraph (b) of this section.

(d) Any certificate or limited permit that has been issued may be withdrawn by an inspector orally or in writing, if the inspector determines that the holder of the certificate or limited permit has not complied with all conditions under this subpart for the use of the certificate or limited permit. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

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[58 FR 8521, Feb. 16, 1993, as amended at 59 FR 67609, Dec. 30, 1994; 66 FR 21053, Apr. 27, 2001]

§ 301.93-6 Compliance agreements and cancellation.

(a) Any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement to facilitate the interstate movement of regulated articles under this subpart.⁵

(b) Any compliance agreement may be canceled orally or in writing by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with this subpart. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing as promptly as circumstances allow. Any person whose compliance agreement has been canceled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing shall be adopted by the Administrator.

[58 FR 8521, Feb. 16, 1993, as amended at 59 FR 67609, Dec. 30, 1994]

§ 301.93-7 Assembly and inspection of regulated articles.

(a) Any person (other than a person authorized to issue certificates or limited permits under § 301.93-5(c)), who desires to move a regulated article interstate accompanied by a certificate or limited permit must notify an inspector⁶ as far in advance of the desired interstate movement as possible

⁵Compliance agreement forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236, and from local offices of the Animal and Plant Health Inspection Service, which are listed in telephone directories.

⁶See footnote 3 at § 301.93-5(a).

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(but no less than 48 hours before the desired interstate movement).

(b) The regulated article must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

§ 301.93-8 Attachment and disposition of certificates and limited permits.

(a) A certificate or limited permit required for the interstate movement of a regulated article, at all times during the interstate movement, must be attached to the outside of the container containing the regulated article, attached to the regulated article itself if not in a container, or attached to the consignee's copy of the accompanying waybill: *Provided however*, That the requirements of this section may be met by attaching the certificate or limited permit to the consignee's copy of the waybill only if the regulated article is sufficiently described on the certificate, limited permit, or waybill to identify the regulated article.

(b) The certificate or limited permit for the interstate movement of a regulated article must be furnished by the carrier to the consignee at the destination of the regulated article.

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§ 301.93-9 Costs and charges.

The services of the inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays) will be furnished without cost. The user will be responsible for all costs and charges arising from inspection and other services provided outside of normal business hours.

§ 301.93-10 Treatments.

Treatment schedules listed in the Plant Protection and Quarantine Treatment Manual to destroy the Oriental fruit fly are approved for use on regulated articles. The Plant Protection and Quarantine Treatment Manual is incorporated by reference at § 300.1 of this chapter. The following treatments can be used for bell pepper, citrus and grape, tomato, premises, and soil:

(a) *Fruits and vegetables*⁷—(1) *Bell Pepper*—(i) *Vapor Heat*. Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate center of bell pepper reaches 44.4 °C (112 °F.). Maintain at 44.4 °C. (112 °F.) for 8¾ hours, then immediately cool.

(2) *Citrus and grapes*—(i) *Fumigation plus refrigeration*. Fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32 g/m³ methyl bromide at 21 °C. (70 °F.) or above, minimum gas concentrations 25 g/m³ at ½ hour, 18 g/m³ at 2 or 2½ hours, 17 g/m³ at 3 hours. Fumigate for a minimum of 2 hours. Then, aerate fruit at least 2 hours before refrigeration (but begin refrigeration no more than 24 hours after fumigation is completed). Refrigerate based upon fumigation exposure time listed in the table below:

Fumigation exposure time	Refrigeration	
	Days	Temperature
2 hours	4	0.55–2.7 °C. (33–37 °F.)
	11	3.33–8.3 °C. (38–47 °F.)
2½ hours	4	1.11–4.44 °C. (34–40 °F.)
	6	5.0–8.33 °C. (41–47 °F.)
	10	8.88–13.33 °C. (48–56 °F.)
3 hours	3	6.11–8.33 °C. (43–47 °F.)
	6	9.88–13.33 °C. (48–56 °F.)

(ii) *Refrigeration plus fumigation*. Refrigerate for 21 days at 0.55 °C. (33 °F.) or below, then fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with—

(A) 48 g/m³ (3 lb/1000 ft³) methyl bromide for 2 hours at 4.5 °C. (40–59 °F.), minimum gas concentration 44 g/m³ at ½ hour, 36 g/m³ at 2 hours; or

(B) 40 g/m³ (2½ lb/1000 ft³) methyl bromide for 2 hours at 15.5–20.5 °C. (60–69 °F.), minimum gas concentration 36 g/m³ at ½ hour, 28 g/m³ at 2 hours; or

(C) 32 g/m³ (2 lb/1000 ft³) methyl bromide for 2 hours at 21–26 °C. (70–79 °F.), minimum gas concentration 30 g/m³ at ½ hour, 25 g/m³ at 2 hours.

(3) *Tomato*—(i) *Fumigation*. Fumigate with methyl bromide at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32g/m³ (2

⁷Some varieties of fruit may be injured by approved treatments. The USDA is not liable for damages caused by this quarantine. Commodities should be tested by the shipper to determine each commodity's tolerance before commercial shipments are attempted.