

§ 301.97-2

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other person authorized by the Administrator to enforce this subpart.

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

Limited permit. A document in which an inspector or person operating under a compliance agreement affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.97-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Melon fruit fly. The insect known as the melon fruit fly, *Bactrocera cucurbitae* (Coquillett), in any stage of development.

Moved (move, movement). Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Plant Protection and Quarantine. Plant Protection and Quarantine, Animal and Plant Health Inspection Service, United States Department of Agriculture.

Quarantined area. Any State, or any portion of a State, listed in § 301.97-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.97-3(b) of this subpart.

Regulated article. Any article listed in § 301.97-2 or otherwise designated as a regulated article in accordance with § 301.97-2(e).

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory, or possession of the United States.

§ 301.97-2 Regulated articles.

The following are regulated articles:

- (a) Melon fruit flies.²
- (b) The following fruits and vegetables:

- Apple (*Malus sylvestris*)
- Apple, custard (*Annona reticulata*)
- Avocado (*Persea americana*)
- Bean, hyacinth (*Dolichos lablab*)

²Permit and other requirements for the interstate movement of melon fruit flies are contained in part 330 of this chapter.

- Bean, lima (*Phaseolus lunatus* = *Phaseolus limensis*)
- Bean, mung (*Phaseolus vulgaris*)
- Cantaloupe (*Cucumis melo* and *Cucumis melo* var. *Cantalupensis*)
- Cauliflower (*Brassica oleracea* var. *botrytis*)
- Chayote (*Sechium edule*)
- Colocynth (*Citrullus colocynthis*)
- Cowpea (*Vigna unguiculata*)
- Cucumber (*Cucumis sativus*)
- Cucumber, bur (*Sicyes* sp.)
- Cucurbit (*Cucumis pubescens* and *Cucumis trigonus*)
- Date palm (*Phoenix dactylifera*)
- Eggplant (*Solanum melongena*)
- Fig (*Ficus carica*)
- Gourds
 - (*Coccinia* spp.)
 - (*Crescentia* spp.)
 - (*Lagenaria* spp.)
 - (*Luffa* spp.)
 - (*Momordica* spp.)
 - (*Trichosanthis* spp.)
- Grape (*Vitis trifolia*)
- Guava (*Psidium guajava*)
- Guava, cattley (*Psidium cattleianum*)
- Lemon, water (*Passiflora laurifolia*)
- Mango (*Mangifera indica*)
- Melon (*Citrullus* spp.)
- Melon, Chinese (*Benincasa hispida*)
- Melon, oriental pickling (*Cucumis melo* var. *conomon*)
- Mustard, leaf (*Brassica juncea*)
- Okra (*Hibiscus esculentus*)
- Orange, king (*Citrus nobilis*)
- Orange, mandarin (*Citrus reticulata*)
- Orange, sweet (*Citrus sinensis*)
- Papaya (*Carica papaya*)
- Passion fruit (*Passiflora edulis*)
- Peach (*Prunus persica*)
- Pear (*Pyrus communis*)
- Pepper (*Capsicum annum*)
- Pepper, chile (*Capsicum annum*)
- Pepper, tobasco (*Capsicum frutescens*)
- Pumpkin (*Cucurbita pepo*)
- Pumpkin, Canada (*Cucurbita moschata*)
- Scarlet wisteria tree (*Sesbania grandiflora*)
- Soursop (*Annona muricata*)
- Squash (*Cucurbita maxima*)
- Tomato (*Lycopersicon esculentum*)
- Tomato, tree (*Cyphomandra betaceae*)
- Watermelon (*Citrullus lanatus* = *Citrullus vulgaris*)

Any fruits or vegetables that are canned or dried or frozen below -17.8 °C. (0 °F.) are not regulated articles.

(c) Soil within the dripline of plants that are producing or have produced the fruits or vegetables listed in paragraph (b) of this section.

(d) Plants of the following species in the family Cucurbitaceae:

- Cantaloupe (*Cucumis melo*)
- Chayote (*Sechium edule*)
- Colocynth (*Citrullus colocynthis*)

Cucumber (*Cucumis sativus*)
 Cucumber, bur (*Sicyos* sp.)
 Cucurbit, wild (*Cucumis trigonus*)
 Gherkin, West India (*Cucumis angaria*)
 Gourd, angled luffa (*Luffa acutangula*)
 Gourd, balsam apple (*Momordica balsaminia*)
 Gourd, ivy (*Coccinia grandis*)
 Gourd, kakari (*Momordica dioica*)
 Gourd, serpent cucumber (*Trichosanthis anguina*)
 Gourd, snake (*Trichosanthis cucumeroides*)
 Gourd, sponge (*Luffa aegyptiaca*)
 Gourd, white flowered (*Lagenaria siceraria*)
 Melon, Chinese (*Benincasa hispida*)
 Melon, long (*Cucumis utilissimus*)
 Pumpkin (*Cucurbita pepo*)
 Pumpkin, Canada (*Cucurbita moschata*)
 Squash (*Cucurbita maxima*)
 Watermelon (*Citrullus lanatus* = *Citrullus vulgaris*)

(e) Any other product, article, or means of conveyance not listed in paragraphs (a) through (d) of this section that an inspector determines presents a risk of spreading the melon fruit fly, when the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

§ 301.97-3 Quarantined areas.

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

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the melon fruit fly.

(b) The Administrator or an inspector may temporarily designate any

nonquarantined area in a State as a quarantined area in accordance with paragraph (a) of this section. The Administrator will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area will be subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) The areas described below are designated as quarantined areas: There are no areas in the continental United States quarantined for the melon fruit fly.

[65 FR 8636, Feb. 22, 2000, as amended at 65 FR 39780, June 28, 2000]

§ 301.97-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area³ only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.97-5 and 301.97-8 of this subpart;

(b) Without a certificate or limited permit if:

(1) The regulated article originated outside the quarantined area and is either moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by melon fruit flies (such as canvas, plastic, or other closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is indicated on the waybill.

(c) Without a certificate or limited permit if:

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