

§318.13-2

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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; 68 FR 5802, Feb. 5, 2003]

§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 articles 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).
- 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).
- Gardenia (cut blooms).
- 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 rhaponticum).
- 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, vegetables, or other products may be made to the foregoing list of regulated articles by the Administrator of the Animal and Plant Health Inspection Service when he determines that such articles, either as ordinarily packed and shipped or after treatment, do not involve risk of spreading any of the plant pests designated in the foregoing quarantine, and when such findings

have been made known in administrative instructions of the Deputy Administrator of the Plant Protection and Quarantine Programs.

[24 FR 10777, Dec. 29, 1959, as amended at 27 FR 8345, Aug. 22, 1962; 27 FR 8907, Sept. 7, 1962; 30 FR 5619, Apr. 21, 1965; 33 FR 14621, Oct. 1, 1968; 34 FR 4879, Mar. 6, 1969; 36 FR 24917, Dec. 24, 1971; 44 FR 10701, Feb. 23, 1979; 45 FR 42242, June 24, 1980; 52 FR 8864, Mar. 20, 1987; 55 FR 38979, Sept. 24, 1990; 59 FR 66641, Dec. 28, 1994; 63 FR 65648, Nov. 30, 1998; 67 FR 41157, June 17, 2002; 68 FR 5802, Feb. 5, 2003]

### § 318.13-3 Conditions of movement.

(a) *To any destination.* Any regulated articles may be moved interstate from Hawaii in accordance with this subpart to any destination if:

(1) The movement is authorized by a valid certificate issued in accordance with § 318.13-4 (a) or (b) and the movement complies with the conditions of any applicable compliance agreement made under § 318.13-4(d), or

(2) The movement is exempted from certificates or limited permit requirements by administrative instructions in this subpart.

(b)(1) *To restricted destinations.* Smooth Cayenne pineapples; fresh fruit cocktail; inflight baskets of fruit; and cut flowers as defined in § 318.13-1 (except cut blooms of mauna loa and jade vine, and leis thereof, and except any cut blooms of gardenia not grown in accordance with § 318.13-4j) may be moved interstate from Hawaii under limited permit, to a destination specified in the permit, directly from an establishment operated in accordance with the terms of a compliance agreement executed by the operator of the establishment, if the articles have not been exposed to infestation and they are not accompanied by any articles prohibited interstate movement under this subpart.

(2) Avocados may be moved interstate from Hawaii to Alaska if the provisions of § 318.13-4g are met, and if they are accompanied by a limited permit issued by an APHIS inspector in accordance with § 318.13-4(c).

(3) Untreated fruits and vegetables from Hawaii may be moved interstate for irradiation treatment on the mainland United States if the provisions of § 318.13-4f are met and if the fruits and vegetables are accompanied by a limited

permit issued by an inspector in accordance with § 318.13-4(c). The limited permit will be issued only if the inspector examines the shipment and determines that the shipment has been prepared in compliance with the provisions of this subpart.

(c) *To a foreign destination after transiting the continental United States.* Fruits and vegetables from Hawaii otherwise prohibited movement from the State of Hawaii into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with § 318.13-17 of this subpart.

(d) *Segregation of certified articles.* Articles certified after treatment in accordance with § 318.13-4(b), taken aboard any ship, vessel, other surface craft, or aircraft in Hawaii must be segregated and protected in a manner as required by the inspector.

(e) *Attachment of certificates and limited permits.* Except as otherwise provided for certain air cargo and containerized cargo on ships moved in accordance with § 318.13-10, each box, bale, crate, or other container of regulated articles moved under certificate or limited permit shall have the certificate or limited permit attached to the outside of the container: *Provided*, That if a certificate or limited permit is issued for a shipment of more than one container of for bulk products, the certificate or limited permit shall be attached to or stamped on the accompanying waybill, manifest, or bill of lading.

[33 FR 14621, Oct. 1, 1968, as amended at 52 FR 8864, Mar. 20, 1987; 54 FR 3578, Jan. 25, 1989; 55 FR 38979, Sept. 24, 1990; 58 FR 7959, Feb. 11, 1993; 59 FR 66641, Dec. 28, 1994; 62 FR 36974, July 10, 1997; 68 FR 5802, Feb. 5, 2003]

### § 318.13-4 Conditions governing the issuance of certificates or limited permits.

Certificates or limited permits may be issued for the movement of articles allowed movement in accordance with the regulations in this subpart under the following conditions:

(a) *Certification on basis of inspection or nature of lot involved.* Regulated articles designated in § 318.13-2(b) may be