

rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

Sealed (sealable) container. A completely enclosed container designed for the storage and/or transportation of commercial air, sea, rail, or truck cargo, and constructed of metal or fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure accessed through doors that are closed and secured with a lock or seal. Sealed (sealable) containers used for sea shipments are distinct and separable from the means of conveyance carrying them when arriving in and in transit through the continental United States. Sealed (sealable) containers used for air shipments are distinct and separable from the means of conveyance carrying them before any transloading in the continental United States. Sealed (sealable) containers used for air shipments after transloading in the continental United States or for overland shipments in the continental United States may either be distinct and separable from the means of conveyance carrying them, or be the means of conveyance itself.

State. Each of the 50 States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States, and all other territories and possessions of the United States.

Transit permit. A written authorization issued by the Administrator for the movement of fruits and vegetables en route to a foreign destination that are otherwise prohibited movement by this subpart into or through the continental United States. Transit permits authorize one or more shipments over a designated period of time.

Transloading. The transfer of cargo from one sealable container to another, from one means of conveyance to another, or from a sealable container directly into a means of conveyance.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 36 FR 24917, Dec. 24, 1971; 54 FR 3580, Jan. 25, 1989; 58 FR 7961, Feb. 11, 1993]

§ 318.58-2 Regulated articles.

(a) *Prohibited movement.* Fruits, vegetables, and other products specified in

§ 318.58 and not eligible for inspection and certification under § 318.58-4 or otherwise expressly authorized movement in the regulations in this subpart are prohibited movements.

(b) *Regulated movement.* (1) Subject to the conditions provided in this section, and to any treatment prescribed by the Administrator, the following fruits and vegetables may be moved when they are free from plant litter, are marked in compliance with § 318.58-6, and have been inspected by an inspector and certified by the inspector to be free from injurious insect infestation (including the West Indian fruit fly and the bean pod borer) or to have been given prescribed treatment:

Citrus fruits (orange, grapefruit, lemon, citron, and lime);

Corn (sweet corn on cob);

Mangoes (*Mangifera* spp.), no larger than 900 grams each, when treated as prescribed in the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter; Peppers;

Pigeon peas (in the pod) from the U.S. Virgin Islands and string beans, lima beans, faba beans, and fresh okra from Puerto Rico or the U.S. Virgin Islands.¹

(2) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by him to be infested shall be free to move without certification, marking, treatment, or other requirements of this subpart, except that they must be free from plant litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, he shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified

¹These products will be certified for movement to Pacific Coast ports or to Atlantic Coast ports south of Baltimore, MD, only when they have been treated as prescribed in the Plant Protection and Quarantine Treatment Manual. Such products may be certified for movement to Baltimore, MD, and Atlantic Coast ports north of Baltimore without such treatment, but untreated fresh okra may be so certified only for immediate processing or consumption in these northern areas.

shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

- Algarroba pods (*Hymenaea courbaril*).
- Allium spp. (onion, chive, garlic, leek, shallot, shallot).
- Anise (*Pimpinella anisum*).
- Apio, celery root (*Arracacia xanthorrhiza*).
- Arrowroot (*Maranta arundinacea*).
- Artichoke, Jerusalem (Helianthus tuberosus).
- Asparagus.
- Avocado.
- Balsamapple, balsam-pear (Momordica balsamina; *M. charantia*).
- Banana and plantain (fruit).
- Banana leaves (fresh, without stalks or midrib).
- Beans (fresh shelled lima and faba beans).
- Beet, including Swiss chard.
- Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).
- Breadfruit, jackfruit (*Artocarpus* spp.).
- Cacao bean (*Theobroma cacao*).
- Carrot.
- Celery.
- Chayote (*Sechium edule*).
- Chicory, endive (*Cichorium intybus*).
- Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.
- Cucumbers, including Angola cucumber (*Sicana odorata*).
- Culantro, coriander (*Eryngium foetidum*; *Coriandrum sativum*).
- Dasheen, malanga, taro (*Colocasia* and *Caladium* spp.).
- Eggplant.
- Fennel.
- Ginger root (*Zingiber officinale*).
- Horseradish (*Armoracia*).
- Kudzu (*Pueraria thunbergiana*).
- Lerens, sweet corn root (*Calathea allouia*).
- Lettuce.
- Mangosteen (*Garcinia mangostana*).
- Mustard greens.
- Palm hearts.
- Papaya, lechosa (*Carica papaya*).
- Parsley.
- Parsnip.
- Peas (in pod) (*Pisum sativum*).
- Pigeon peas (fresh shelled) from the U.S. Virgin Islands.
- Pineapple.
- Potato.
- Quenepa (*Melicocca bijuga*).
- Radish.
- Rhubarb.
- Rutabaga.

- Spinach.
- Squash, pumpkin, watermelon, vegetable-marrow, cantaloup, calabaza.
- Strawberry.
- Tamarind beanpod (*Tamarindus indica*).
- Tomato.
- Turnip.
- Watercress.
- Waterlily root, lotus root (*Nelumbium nelumbo*).
- Yam, name (*Dioscorea* spp.).
- Yautia, tanier (*Xanthosoma* spp.).
- Yuca, cassava (*Manihot esculenta*).

(3) Cactus plants or parts thereof from the Virgin Islands of the United States may be moved to Guam, Puerto Rico, or the continental United States when they have been given an approved treatment and are so certified by an inspector.

(4) Pigeon peas (fresh shelled or in the pod) from Puerto Rico may be moved to any other area of the United States only if treated in accordance with the Plant Protection and Quarantine Treatment Manual.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 30 FR 749, Jan. 23, 1965; 36 FR 24917, Dec. 24, 1971. Redesignated and amended at 54 FR 3580, Jan. 25, 1989; 55 FR 5436, Feb. 15, 1990; 68 FR 2683, Jan. 21, 2003; 68 FR 28114, May 23, 2003]

§318.58-3 Conditions of movement.

(a) *To any destination.* Any regulated articles may be moved interstate from Puerto Rico or the Virgin Islands of the United States in accordance with this subpart to any destination if:

(1) The movement is authorized by a valid certificate issued in accordance with §318.58-4, or

(2) The movement is exempted from certificate requirements by administrative instructions in this subpart.

(b) *To a foreign destination after transiting the continental United States.* Fruits and vegetables from Puerto Rico and the Virgin Islands of the United States that are otherwise prohibited movement from those territories 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 §318.58-12 of this subpart.

(c) *Segregation of certified articles.* Articles authorized for movement by a