

§ 318.60

be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

[54 FR 3583, Jan. 25, 1989, as amended at 58 FR 7964, Feb. 11, 1993]

Subpart—Sand, Soil, or Earth, with Plants from Territories and Districts

§ 318.60 Notice of quarantine.

(a) The Secretary of Agriculture, having previously quarantined Hawaii and Puerto Rico to prevent the spread to other parts of the United States, by means of sand, soil, or earth about the roots of plants, of immature stages of certain dangerous insects, including *Phyllophaga* spp. (White grubs), *Phytalus* sp., and *Adoretus* sp., and of several species of termites or white ants, new to and not heretofore widely prevalent or distributed within and throughout the United States, now determines that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread of such dangerous insects from said Virgin Islands.

(b) Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), Hawaii, Puerto Rico, and the Virgin Islands of the United States are quarantined to prevent the spread of the aforementioned dangerous insects.

(c) Sand (other than clean ocean sand), soil, or earth around the roots of plants shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not apply to the movement of such products in either direction between Puerto Rico and the Virgin Islands of the United States: *Provided further*, That such prohibitions shall not prohibit the movement of such products by the United States Department of Agriculture for scientific or experimental purposes, nor prohibit the movement of

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sand, soil, or earth around the roots of plants which are carried, for ornamental purposes, on vessels into mainland ports of the United States and which are not intended to be landed thereat, when evidence is presented satisfactory to the inspector of the Plant Protection and Quarantine Programs of the Department of Agriculture that such sand, soil, or earth has been so processed or is of such nature that no pest risk is involved, or that the plants with sand, soil, or earth around them are maintained on board under such safeguards as will preclude pest escape: *And provided further*, That such prohibitions shall not prohibit the movement of plant cuttings or plants that have been (1) freed from sand, soil, and earth, (2) subsequently potted and established in sphagnum moss or other packing material approved under § 319.37-16 that had been stored under shelter and had not been previously used for growing or packing plants, (3) grown thereafter in a manner satisfactory to an inspector of the Plant Protection and Quarantine Programs to prevent infestation through contact with sand, soil, or earth, and (4) certified by an inspector of the Plant Protection and Quarantine Programs as meeting the requirements of paragraphs (c) (1), (2), and (3) of this section.

(d) As used in this section, the term *State, Territory, or District of the United States* means “Guam, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States.”

[24 FR 10777, Dec. 29, 1959, as amended at 66 FR 21054, Apr. 27, 2001]

Subpart—Guam

QUARANTINE

§ 318.82 Notice of quarantine.

(a) Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), Guam is quarantined to prevent the spread of dangerous plant pest and diseases that are new to or not widely prevalent or distributed within and throughout the United States. Such plant pests and diseases include: *Icerya aegyptiaca* (Dougl.), *Xanthomonas*

citri (Hasse) Dowson, *Aleurocanthus spiniferus* (Q.), *Phyllocnistis citrella* (Stainton), *Coccus viridis* (Green), *Anomala sulcatula* Burm., *Furcaspis oceanica* Ldgr., *Stephanoderes hampei* (Ferr.), *Pectinophora scutigera* (Holdaway), *Bactrocera dorsalis* Hend., *Bactrocera cucurbitae* (Coq.), *Maruca testulalis* (Geyer), *Lampides boeticus* (L.), *Prays endocarpa* Meyr., *Prodenia litura* (F.), *Euscepes postfasciatus* (Fairm.), *Earias fabia* (Stoll), *Elsinoe batatas* (Saw.) Viegas and Jenkins, *Uredo dioscoreae-alatae* Rac., *Cercospora batatae* Zimm., *Coniothyrium* sp., *Phyllosticta colocasiophila* Weed., *Xanthomonas vasculorum* (Cobb) Dowson, *Rhabdoscelus obscurus* (Boisd.), *Neomaskellia bergeii* (Sign.), *Pyrausta nubilalis* (Hbn.), *Physoderma zeaemaydis* Shaw, *Leptocorisa acuta* (Thunb.), *Adoretus sinicus* Burm., and *Holotrichia mindanaona* Brenske. The regulations in this subpart govern the movement of carriers of these pests.

(b) No plants or parts thereof capable of propagation; seeds; fruits or vegetables; cotton or cotton covers; sugarcane or parts or by-products thereof; cereals; cut flowers; or packing materials; as such articles are defined in regulations supplemental hereto, shall be shipped, deposited for transmission in the mail, offered for shipment, received for transportation, carried, otherwise transported or moved, or allowed to be moved, by mail or otherwise, by any person from Guam into or through any other State, Territory, or District of the United States, in any manner or method or under conditions other than those prescribed in the regulations, as from time to time amended: *Provided*, That whenever the Deputy Administrator of the Plant Protection and Quarantine Programs shall find that existing conditions as to the pest risk involved in the movement from Guam of the articles designated herein, make it safe to modify, by making less stringent, the restrictions contained in any regulations in this subpart or in any other subpart in this chapter made applicable thereto by this subpart, he shall publish such findings in administrative instructions, specifying the manner in which the regulations should be made less stringent with respect to such movement, whereupon

such modification shall become effective; or he may, when the public interests will permit in specific cases, upon notification to the consignor and to the consignee, authorize the interstate movement from Guam of the articles to which such regulations apply, under conditions that are less stringent than those contained in the regulations.

(c) Regulations governing the movement of live plant pests designated in this section are contained in Part 330 of this chapter.

[24 FR 10777, Dec. 29, 1959, as amended at 66 FR 21054, Apr. 27, 2001]

REGULATIONS

§ 318.82-1 Definitions.

Words used in the singular form in this subpart shall be deemed to import the plural and vice versa, as the case may demand. For the purposes of this subpart, unless the context otherwise requires, the following words shall be construed, respectively, to mean:

(a) *Plants*. Trees, shrubs, vines, cuttings, grafts, scions, buds, herbaceous plants, bulbs, roots, and other plants and plant parts intended for propagation.

(b) *Seeds*. The mature ovular bodies produced by flowering plants, containing embryos capable of developing into new plants by germination.

(c) *Fresh fruits and vegetables*. The edible, more or less succulent, portions of food plants in the raw or unprocessed state.

(d) *Cotton and cotton covers*. Any parts or products of plants of the genus *Gossypium*, including seed cotton; cottonseed; cotton lint, linters, and other forms of cotton fiber (not including yarn, thread, and cloth); cottonseed hulls, cake, meal, and other cottonseed products except oil; cotton waste, including gin waste and thread waste; and any other unmanufactured parts of cotton plants; and secondhand burlap and other fabrics, shredded or otherwise, which have been used, or are of the kinds ordinarily used, for containing cotton, grains (including grain products), field seeds, agricultural roots, rhizomes, tubers, or other underground crops.

(e) *Sugarcane or parts or by-products thereof*. Stems of sugarcane