

or any other duly designated State official, in the State where the introduction is to take place.

*United States.* All of the States.

*Vector or vector agent.* Organisms or objects used to transfer genetic material from the donor organism to the recipient organism.

*Well-characterized and contains only non-coding regulatory regions* (e.g. operators, promoters, origins of replication, terminators, and ribosome binding regions). The genetic material added to a microorganism in which the following can be documented about such genetic material: (a) The exact nucleotide base sequence of the regulatory region and any inserted flanking nucleotides; (b) The regulatory region and any inserted flanking nucleotides do not code for protein or peptide; and (c) The regulatory region solely controls the activity of other sequences that code for protein or peptide molecules or act as recognition sites for the initiation of nucleic acid or protein synthesis.

[52 FR 22908, June 16, 1987, as amended at 53 FR 12913, Apr. 20, 1988; 55 FR 53276, Dec. 28, 1990; 58 FR 17056, Mar. 31, 1993; 62 FR 23956, May 2, 1997]

**§ 340.2 Groups of organisms which are or contain plant pests and exemptions.**

(a) *Groups of organisms which are or contain plant pests.* The organisms that are or contain plant pests are included in the taxa or group of organisms contained in the following list. Within any taxonomic series included on the list, the lowest unit of classification actually listed is the taxon or group which may contain organisms which are regulated. Organisms belonging to all lower taxa contained within the group listed are included as organisms that may be or may contain plant pests, and are regulated if they meet the definition of plant pest in § 340.1<sup>4</sup>

<sup>4</sup> Any organism belonging to any taxa contained within any listed genera or taxa is only considered to be a plant pest if the organism "can directly or indirectly injure, or cause disease, or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants." Thus a particular unlisted species within a listed genus would be deemed a plant pest for purposes of § 340.2, if the scientific literature re-

NOTE: Any genetically engineered organism composed of DNA or RNA sequences, organelles, plasmids, parts, copies, and/or analogs, of or from any of the groups of organisms listed below shall be deemed a regulated article if it also meets the definition of plant pest in § 340.1.

GROUP

VIROIDS

*Superkingdom Prokaryotae*

*Kingdom Virus*

All members of groups containing plant viruses, and all other plant and insect viruses

*Kingdom Monera*

DIVISION BACTERIA

Family Pseudomonadaceae

- Genus Pseudomonas
- Genus Xanthomonas

Family Rhizobiaceae

- Genus Rhizobium
- Genus Bradyrhizobium
- Genus Agrobacterium
- Genus Phyllobacterium

Family Enterobacteriaceae

- Genus Erwinia

Family Streptomycetaceae

- Genus Streptomyces

Family Actinomycetaceae

- Genus Actinomyces

Coryneform group

- Genus Clavibacter
- Genus Arthrobacter
- Genus Curtobacterium
- Genus Corynebacteria

Gram-negative phloem-limited bacteria associated with plant diseases

Gram-negative xylem-limited bacteria associated with plant diseases

And all other bacteria associated with plant or insect diseases

Rickettsiaceae

- Rickettsial-like organisms associated with insect diseases

Class Mollicutes

Order Mycoplasmatales

Family Spiroplasmataceae

fers to the organism as a cause of direct or indirect injury, disease, or damage to any plants, plant parts or products of plants. (If there is any question concerning the plant pest status of an organism belonging to any listed genera or taxa, the person proposing to introduce the organism in question should consult with APHIS to determine if the organism is subject to regulation.)

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Genus Spiroplasma  
Mycoplasma-like organisms associated with  
plant diseases  
Mycoplasma-like organisms associated with  
insect diseases

*Superkingdom Eukaryotae*

*Kingdom Plantae*

*Subkingdom Thallobionta*

Division Chlorophyta

Genus Cephaleuros  
Genus Rhodochytrium  
Genus Phyllosiphon

Division Myxomycota

Class Plasmodiophoromycetes

Division Eumycota

Class Chytridiomycetes

Order Chytridiales

Class Oomycetes

Order Lagenidiales  
Family Lagenidiaceae  
Family Olpidiopsidaceae  
Order Peronosporales  
Family Albuginaceae  
Family Peronosporaceae  
Family Pythiaceae  
Order Saprolegniales  
Family Saprolegniaceae  
Family Leptolegnielleaceae

Class Zygomycetes

Order Mucorales  
Family Choanephoraceae  
Family Mucoraceae  
Family Entomophthoraceae

Class Hemiascomycetes

Family Protomycetaceae  
Family Taphrinaceae

Class Loculoascomycetes

Order Myriangiales  
Family Elsinoeaceae  
Family Myriangiaceae  
Order Asterinales  
Order Dothideales  
Order Chaetothyriales  
Order Hysteriales  
Family Parmulariaceae  
Family Phillipsiellaceae  
Family Hysteriaceae  
Order Pleosporales  
Order Melanommatales

Class Plectomycetes

Order Eurotiales  
Family Ophiostomataceae  
Order Ascopherales

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Class Pyrenomycetes

Order Erysiphales  
Order Meliolales  
Order Xylariales  
Order Diaporthales  
Order Hypocreales  
Order Clavicipitales

Class Discomycetes

Order Phacidiales  
Order Helotiales  
Family Ascocorticaceae  
Family Hemiphacidiaceae  
Family Dermataceae  
Family Sclerotiniaceae  
Order Cytrariales  
Order Medeolariales  
Order Pezziales  
Family Sarcosomataceae  
Family Sarcoscyphaceae

Class Teliomycetes

Class Phragmobasidiomycetes

Family Auriculariaceae  
Family Ceratobasidiaceae

Class Hymenomycetes

Order Exobasidiales  
Order Agaricales  
Family Corticiaceae  
Family Hymenochaetaceae  
Family Echinodontiaceae  
Family Fistulinaceae  
Family Clavariaceae  
Family Polyporaceae  
Family Tricholomataceae

Class Hyphomycetes

Class Coelomycetes

And all other fungi associated with plant or  
insect diseases

*Subkingdom Embryobionta*

NOTE: *Organisms listed in the Code of Federal  
Regulations as noxious weeds are regulated  
under the Federal Noxious Weed Act*

Division Magnoliophyta

Family Balanophoraceae—parasitic species  
Family Cuscutaceae—parasitic species  
Family Hydnoraceae—parasitic species  
Family Krameriaceae—parasitic species  
Family Lauraceae—parasitic species  
Genus *Cassytha*  
Family Lennoaceae—parasitic species  
Family Loranthaceae—parasitic species  
Family Myzodendraceae—parasitic species  
Family Olacaceae—parasitic species  
Family Orobanchaceae—parasitic species  
Family Rafflesiaceae—parasitic species  
Family Santalaceae—parasitic species  
Family Scrophulariaceae—parasitic species



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- Order Homoptera
- Order Coleoptera
- Family Anobiidae
- Family Apionidae
- Family Anthribidae
- Family Bostrichidae
- Family Brentidae
- Family Bruchidae
- Family Buprestidae
- Family Byturidae
- Family Cantharidae
- Family Carabidae
- Family Cerambycidae
- Family Chrysomelidae
- Family Coccinellidae
  - Subfamily Epilachninae
- Family Curculionidae
- Family Dermestidae
- Family Elateridae
- Family Hydrophilidae
  - Genus Helophorus
- Family Lyctidae
- Family Meloidae
- Family Mordellidae
- Family Platypodidae
- Family Scarabaeidae
  - Subfamily Melolonthinae
  - Subfamily Rutelinae
  - Subfamily Cetoniinae
  - Subfamily Dynastinae
- Family Scolytidae
- Family Selbytidae
- Family Tenebrionidae
- Order Lepidoptera
- Order Diptera
- Family Agromyzidae
- Family Anthomyiidae
- Family Cecidomyiidae
- Family Chloropidae
- Family Ephydriidae
- Family Lonchaeidae
- Family Muscidae
  - Genus Atherigona
- Family Otitidae
  - Genus Euxeta
- Family Syrphidae
- Family Tephritidae
- Family Tipulidae
- Order Hymenoptera
- Family Apidae
- Family Caphidae
- Family Chalcidae
- Family Cynipidae
- Family Eurytomidae
- Family Formicidae
- Family Psilidae
- Family Siricidae
- Family Tenthredinidae
- Family Torymidae
- Family Xylocopidae

Unclassified organisms and/or organisms whose classification is unknown.

(b) *Exemptions.* (1) A limited permit for interstate movement shall not be required for genetic material from any

plant pest contained in *Escherichia coli* genotype K-12 (strain K-12 and its derivatives), sterile strains of *Saccharomyces cerevisiae*, or asporogenic strains of *Bacillus subtilis*, provided that all the following conditions are met:

(i) The microorganisms are shipped in a container that meets the requirements of § 340.8(b)(3);

(ii) The cloned genetic material is maintained on a nonconjugation proficient plasmid and the host does not contain other conjugation proficient plasmids or generalized transducing phages;

(iii) The cloned material does not include the complete infectious genome of a known plant pest;

(iv) The cloned genes are not carried on an expression vector if the cloned genes code for:

(A) A toxin to plants or plant products, or a toxin to organisms beneficial to plants; or

(B) Other factors directly involved in eliciting plant disease (i.e., cell wall degrading enzymes); or

(C) Substances acting as, or inhibitory to, plant growth regulators.

(2) A limited permit for interstate movement is not required for genetic material from any plant pest contained in the genome of the plant *Arabidopsis thaliana*, provided that all of the following conditions are met:

(i) The plants or plant materials are shipped in a container that meets the requirements of § 340.8(b) (1), (2), and (3);

(ii) The cloned genetic material is stably integrated into the plant genome;

(iii) The cloned material does not include the complete infectious genome of a known plant pest.

[52 FR 22908, June 16, 1987, as amended at 53 FR 12913, Apr. 20, 1988; 55 FR 53276, Dec. 28, 1990; 58 FR 17056, Mar. 31, 1993]

**§ 340.3 Notification for the introduction of certain regulated articles.<sup>5</sup>**

(a) *General.* Certain regulated articles may be introduced without a permit,

<sup>5</sup>APHIS may issue guidelines regarding scientific procedures, practices, or protocols which it has found acceptable in making various determinations under the regulations. A