

**§ 318.13-4a Administrative instructions authorizing the movement from Hawaii of frozen fruits and vegetables.**

(a) The Administrator of the Animal and Plant Health Inspection Service, pursuant to the authority contained in §§ 318.13-2(b) and 318.13-4(b), approves the process of quick freezing in accordance with part 305 of this chapter as a treatment for all fruits and vegetables described in § 318.13, except as otherwise provided in paragraph (c) of this section. Such frozen fruits and vegetables may be certified for movement from Hawaii into or through any other Territory, State, or District of the United States.<sup>1</sup>

(b) The inspector in Hawaii shall determine that such fruits and vegetables are in a satisfactory frozen state before issuing a certificate. The inspector on the mainland will release the shipment on the basis of the certificate issued in Hawaii.

(c) The movement from Hawaii of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the Administrator of the Animal and Plant Health Inspection Service, be destroyed by freezing.

[24 FR 10777, Dec. 29, 1959, as amended at 55 FR 38979, Sept. 24, 1990; 70 FR 33323, June 7, 2005]

**§ 318.13-4b Administrative instructions; conditions governing the interstate movement from Hawaii of certain fruits or vegetables for which treatment is required.**

(a) *General restrictions.* Fruits or vegetables listed in this section may only be moved interstate from Hawaii in accordance with this section or in accordance with other applicable sections in this subpart.

(b) *Eligible fruits or vegetables.* The following fruits or vegetables may be moved interstate from Hawaii if, prior to interstate movement, they are inspected for plant pests by an inspector and are then treated for plant pests

<sup>1</sup> Applications for certificates to move frozen fruits and vegetables from Hawaii under this subpart may be made to Plant Protection and Quarantine Programs, P.O. Box 9067, Honolulu, HI 96820.

under the supervision of an inspector with a treatment prescribed in part 305 of this chapter: Avocados, *Capsicum* spp. (peppers), carambolas, *Cucurbita* spp. (squash), eggplants, litchi, longan, papayas, pineapples (other than smooth cayenne), rambutan, sweetpotatoes, and tomatoes.

(c) *Subsequent handling.* All handling of fruits or vegetables subsequent to treatment in Hawaii must be carried out under the supervision of an inspector and according to the inspector's instructions.

(d) *Destination restrictions.* Litchi and longan that are moved interstate from Hawaii under this section may not be moved into Florida due to the litchi rust mite (*Eriophyes litchi*). Cartons used to carry such fruits must be stamped: "Not for movement into or distribution in FL."

(e) *Costs and charges.* All costs of treatment and any post-treatment safeguards prescribed by an inspector must be borne by the owner of the fruits or vegetables or the owner's representative. The services of an inspector during regularly assigned hours of duty and at the usual place of duty are furnished by APHIS without charge.

(f) *Department not responsible for damages.* Treatments prescribed in part 305 of this chapter are judged from experimental tests to be safe for use with the fruits or vegetables listed in paragraph (b) of this section. However, the Department assumes no responsibility for any damage sustained through or in the course of the treatment, or because of safeguards required by an inspector.

[67 FR 41157, June 17, 2002, as amended at 70 FR 33323, June 7, 2005; 71 FR 4462, Jan. 27, 2006; 72 FR 8089, Feb. 23, 2007]

**§ 318.13-4c Administrative instructions approving methyl bromide fumigation as a condition for certification of tomatoes for movement from Hawaii.**

The Administrator of the Animal and Plant Health Inspection Service hereby approves methyl bromide fumigation, applied in accordance with the provisions of this section, as a treatment for tomatoes from Hawaii. Tomatoes treated and handled as provided in this section may be certified for movement

from Hawaii to other parts of the United States.

(a) *Approved fumigation.* (1) The approved fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Animal and Plant Health Inspection Service. The dosage shall be applied at the rate of 2 pounds per 1,000 cubic feet for 3½ hours at 70 °F. or above.

(2) Tomatoes to be fumigated may be individually wrapped in gas-permeable tissue paper and packed in standard slatted tomato lugs or containers similarly vented. The fumigation chamber shall not be loaded to more than two-thirds of its capacity. The 3½-hour exposure period shall begin when all the fumigant has been introduced into the chamber and volatilized. Good circulation above and below the load, and between individual containers, shall be provided as soon as the tomatoes are loaded in the chamber and shall continue during the full period of fumigation and until the tomatoes have been removed to a well-ventilated location.

(b) *Supervision of treatments and subsequent handling.* The treatment approved in this section and the subsequent handling of the tomatoes so treated must be under the supervision of a plant quarantine inspector of the Animal and Plant Health Inspection Service. Such treated tomatoes must be safeguarded against reinfestation during the period prior to movement from Hawaii in a manner satisfactory to the inspector. Certification of tomatoes for such movement will be made only upon compliance with the prescribed treatment and posttreatment safeguards.

(c) *Costs.* All costs of the treatments and prescribed posttreatment safeguards provided for in this section, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall, as required by § 318.13-4(b), be borne by the owner of the tomatoes, or his representative.

(d) *Department not responsible for damage.* (1) This treatment is recognized as one which may be marginal as to varietal tolerance of tomatoes and the owner or shipper is warned of possible

injury. The Department of Agriculture and its inspectors assume no responsibility for any loss or damage resulting from any treatment prescribed or supervised.

(2) In test fumigations the following varieties of tomatoes indicated tolerance to the prescribed treatment when harvested early in the season and in the mature stage after some color development: Big Boy, Bounty, Break O Day, Burpee Hybrid, Earliana, Hawaii, Homestead, J. Moran, Kalohi, Kaulaii, Lanai, Marglobe, Maui, Niihau, N-46, Oahu, Pearson, Pritchard, Rutgers, San Malzano, Step 274, Step 278, Step 280, Step 281, Step 305, and Step 314. Varieties showing poor tolerance were Desert Pride, Kolea C. Manalucie, and Pennheart.

[27 FR 1551, Feb. 20, 1962, as amended at 36 FR 24917, Dec. 24, 1971. Redesignated at 50 FR 9788, Mar. 12, 1985, and further amended at 55 FR 38979, Sept. 24, 1990]

**§ 318.13-4d Vapor heat treatment of sweetpotatoes from Hawaii.**

(a) Vapor heat treatment, carried out in accordance with the provisions of this section, is approved as a treatment for sweetpotato from Hawaii.

(b) Sweetpotatoes may be moved interstate from Hawaii in accordance with this section only if the following conditions are met:<sup>2</sup>

(1) The sweetpotatoes must be treated in accordance with the vapor heat treatment schedule specified in § 305.24.

(2) The sweetpotatoes must be sampled, cut, and inspected and found to be free of the ginger weevil (*Elytrotreinus subtruncatus*). Sampling, cutting, and inspection must be performed under conditions that will prevent any pests that may emerge from the sampled sweetpotatoes from infesting any other sweetpotatoes intended for interstate movement in accordance with this section.

(3) The sweetpotatoes must be inspected and found to be free of the gray pineapple mealybug (*Dysmicoccus*

<sup>2</sup>Sweetpotatoes may also be moved interstate from Hawaii in accordance with § 305.34 of this chapter or after fumigation with methyl bromide according to treatment schedule T-101-b-3-1, as provided for in § 305.6(a) of this chapter.