

FEDERAL DOMESTIC QUARANTINE ORDER
POTATO CYST NEMATODE (PCN) (*Globodera pallida*)
DA-2006-39

The purpose and goal of this Federal Order is to prevent the spread of Potato Cyst Nematode, *Globodera pallida*, through regulatory authority provided by Section 412(a) of the Plant Protection Act of June 20, 2000, as amended, 7 U.S.C. 7712(a), which authorizes the Secretary of Agriculture to prohibit or restrict the movement in interstate commerce of any plant, plant part, or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of a plant pest within the United States.

The Administrator of the Animal and Plant Health Inspection Service (APHIS) considers it necessary, in order to prevent the dissemination of PCN to establish restrictions on the interstate movement of certain regulated articles from Idaho as described in this Federal Order.

(a) Regulated Areas:

The Administrator will list as a regulated area each state, or each portion of a state, in which PCN has been confirmed by an inspector to be present, in which the Administrator has reason to believe that PCN is present, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which PCN has been found.

Less than an entire state will be designated as a regulated area only if the Administrator determines that:

- (1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed by the Administrator on the interstate movement of regulated articles; and
- (2) The designation of less than the entire state as a regulated area will be sufficient to prevent the interstate spread of PCN.

The Administrator or an inspector may temporarily designate any nonregulated area as a regulated area. The Administrator will give a copy of this Order along with a written notice for the temporary designation to the owner or person in possession of the nonregulated area. Thereafter, the interstate movement of any regulated article from an area temporarily designated as a regulated area will be subject to this Order. As soon as practicable, this area will be added to the list of regulated areas or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

The following areas are designated as regulated areas: In the State of Idaho, that part of the Township designated by “T 01 N; R 37 E” Boise Meridian, which lies east and south of the Snake River, and in Sections 10 through 36.

(b) Regulated Articles:

The following are regulated articles, and may not be moved interstate from a regulated area except in accordance with this Order:

- Potatoes
- Nursery stock
- Soil, compost, humus, muck, peat, and decomposed manure
- Grass sod
- Small grains and soybeans
- Hay, straw, fodder, and plant litter
- Ear corn, except shucked
- Used farm equipment
- Any other products, articles, or means of conveyance of any character whatsoever, when it is determined by an inspector that they present a hazard of spread of PCN.

(c) Conditions for interstate movement of regulated articles:

Regulated articles may only be moved interstate from a regulated area if accompanied by a certificate or limited permit issued by an inspector.

Movements under Certificate:

(1) Certificates may be issued by an inspector for the interstate movement of the following articles from regulated areas, provided they meet the conditions specified below:

(A) Potatoes:

- (i) The fields where the potatoes were grown were surveyed by an inspector prior to planting and found to be apparently free of PCN. Certification of freedom from PCN is valid for no more than three years;
- (ii) The potatoes were grown in a field in which no more than one potato crop was grown in the previous three successive years;
- (iii) The potatoes were processed and packed at facilities in accordance with guidelines issued by the Administrator and posted on the APHIS’ website; and
- (iv) Seed potatoes from regulated areas are not eligible for movement under certificate.

(B) Nursery stock:

The nursery stock must have been grown at a site that has been surveyed by an inspector and found to be apparently free of PCN.

(C) Soil, compost, humus, muck, peat, decomposed manure, grass sod, small grains and soybeans, ear corn (except shucked), hay, straw, fodder, and plant litter:

The articles must have been grown or located only at sites that have been surveyed by an inspector and found to be apparently free of PCN.

(D) Farm equipment.

Before being removed from the field, farm equipment that has been used in any field that is infested with or potentially infested with PCN, or adjacent to such field located in the regulated area must be either (1) pressure washed to ensure that all soil has been removed, or (2) steam treated in accordance with PPQ Treatment Manual schedule T406-d and applicable conditions of 7 CFR Part 305.

Movements under Limited Permit:

(2) Limited permits may be issued by an inspector to allow interstate movement of regulated articles not eligible for certification under this subpart, to specified destinations for limited handling, utilization, or processing when, upon evaluation of the circumstances involved in each specific case the inspector determines that such movement will not result in the spread of PCN.

(d) Miscellaneous provisions:

Potatoes, tomatoes, eggplants or other host crops may not be grown in infested fields.

(e) Definitions.

Certificate: A document, stamp, or imprint by which an inspector affirms that a specified regulated article meets applicable requirements of this subpart and may be moved interstate to any destination.

Farm equipment: Mechanized cultivating equipment, harvesting equipment, soil-moving equipment, farm tools, crates, boxes, burlap bags, and other farm product equipment or containers.

Inspector: Any employee of APHIS, the U.S. Department of Agriculture, or other person authorized by the Administrator to perform the duties required under this Order.

Limited permit: A document issued by an inspector to allow the interstate movement of regulated articles that are ineligible for a certificate but that can be moved interstate for limited handling, utilization, or processing when, upon evaluation of the circumstances involved in each specific case the inspector determines that such movement will not result in the spread of PCN

Nursery stock: Plants with roots, plant crowns, roots for propagation, true bulbs, corms, rhizomes, and tubers of ornamental plants, and excluding soil-free aquatic plants.