

must be treated in accordance with §301.75-11(d) of this subpart upon leaving the grove or premises. All personnel who enter the grove or premises to provide these services must be treated in accordance with §301.75-11(c) of this subpart upon leaving the grove or premises.

(5) *Destruction of infected plants and trees.* No more than 7 days after a State or Federal laboratory confirms that a regulated plant or regulated tree is infected, the State must provide written notice to the owner of the infected plant or infected tree that the infected plant or infected tree must be destroyed. The owner must have the infected plant or infected tree destroyed within 45 days after receiving the written notice.

(6) *Interstate movement of regulated fruit.* When less than an entire State is designated as a quarantined area, regulated fruit produced in a quarantined area may be moved interstate in accordance with §301.75-7(a) provided the following additional conditions are met:

(i) During the 2 years before the interstate movement, no plants or plant parts infected with citrus canker were found in the grove producing the regulated fruit and any exposed plants in the grove at high risk for developing citrus canker have been destroyed. Identification of exposed plants at high risk for developing citrus canker will be based on an evaluation of all of the circumstances related to their exposure, including, but not limited to, the following:

(A) The stage of maturity of the exposed plant at the time of exposure and the size and degree of infestation to which the plants were exposed,

(B) The proximity of exposed plants to infected plants or contaminated articles at the time of exposure, and

(C) The length of time the plants were exposed.

(ii) [Reserved]

[55 FR 37450, Sept. 11, 1990; 55 FR 42698, Oct. 23, 1990, as amended at 55 FR 49502, Nov. 29, 1990; 56 FR 8102, Feb. 27, 1991; 57 FR 49374, Nov. 2, 1992; 59 FR 25288, May 16, 1994; 61 FR 1521, Jan. 22, 1996; 64 FR 4780, Feb. 1, 1999; 65 FR 53530, Sept. 5, 2000; 65 FR 57723, Sept. 26, 2000; 67 FR 9390, Mar. 1, 2002; 67 FR 13084, Mar. 21, 2002; 67 FR 18463, Apr. 16, 2002; 67 FR 30771, May 8, 2002; 69 FR 55317, Sept. 14, 2004; 70 FR 9209, Feb. 25, 2005; 70 FR 33268, June 7, 2005; 71 FR 43351, Aug. 1, 2006]

**§ 301.75-5 Commercial citrus-producing areas.**

(a) The following are designated as commercial citrus-producing areas:

American Samoa	Northern Mariana Islands
Arizona	Puerto Rico
California	Texas
Florida	Virgin Islands of the United States
Guam	
Hawaii	
Louisiana	

(b) The list in paragraph (a) of this section is intended to include jurisdictions which have commercial citrus-producing areas. Less than an entire State may be designated as a commercial citrus-producing area only if the Administrator determines that the area not included as a commercial citrus-producing area does not contain commercial citrus plantings; that the State has adopted and is enforcing a prohibition on the intrastate movement from areas not designated as commercial citrus-producing areas to commercial citrus-producing areas of fruit which are designated as regulated articles and which were moved interstate from a quarantined State pursuant to a limited permit; and that the designation of less than the entire State as a commercial citrus-producing area will otherwise be adequate to prevent the interstate spread of citrus canker.

[50 FR 51231, Dec. 13, 1985, 51 FR 2873, Jan. 22, 1986; as amended at 53 FR 13242, Apr. 22, 1988; 53 FR 44173, Nov. 2, 1988. Redesignated at 55 FR 37450, Sept. 11, 1990]

**§ 301.75-6 Interstate movement of regulated nursery stock from a quarantined area.**

(a) Regulated nursery stock may not be moved interstate from a quarantined area except for immediate export in accordance with paragraph (c)

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of this section; *Provided*, that calamondin and kumquat plants may be moved interstate from a quarantined area in accordance with paragraph (b) of this section.

(b) Calamondin (*Citrus mitis*) and kumquat (*Fortunella* spp.) plants, with or without fruit attached, may be moved interstate from a quarantined area into any area of the United States except commercial citrus-producing areas if all of the following conditions are met:

(1) The plants are own-root-only and have not been grafted or budded;

(2) The plants are started, are grown, and have been maintained solely at the nursery from which they will be moved interstate.

(3) If the plants are not grown from seed, then the cuttings used for propagation of the plants are taken from plants located on the same nursery premises or from another nursery that is eligible to produce calamondin and kumquat plants for interstate movement under the requirements of this paragraph (b). Cuttings may not be obtained from properties where citrus canker is present.

(4) All citrus plants at the nursery premises have undergone State inspection and have been found to be free of citrus canker no less than three times. The inspections must be at intervals of 30 to 45 days, with the most recent inspection being within 30 days of the date on which the plants are removed and packed for shipment.

(5) All vehicles, equipment, and other articles used in providing inspection, maintenance, or related services in the nursery must be treated in accordance with § 301.75-11(d) before entering the nursery to prevent the introduction of citrus canker. All personnel who enter the nursery to provide these services must be treated in accordance with § 301.75-11(c) before entering the nursery to prevent the introduction of citrus canker.

(6) If citrus canker is found in the nursery, all regulated plants and plant material must be removed from the nursery and all areas of the nursery's facilities where plants are grown and all associated equipment and tools used at the nursery must be treated in accordance with § 301.75-11(d) in order for

the nursery to be eligible to produce calamondin and kumquat plants to be moved interstate under this paragraph (b). Fifteen days after these actions are completed, the nursery may receive new calamondin and kumquat seed or cuttings from a nursery that is eligible to produce calamondin and kumquat plants for interstate movement under this paragraph (b).

(7) The plants, except for plants that are hermetically sealed in plastic bags before leaving the nursery, are completely enclosed in containers or vehicle compartments during movement through the quarantined area.

(8) The calamondin or kumquat plants or trees are accompanied by a limited permit issued in accordance with § 301.75-12. The statement "Limited permit: Not for distribution in AZ, CA, HI, LA, TX, and American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands of the United States" must be displayed on a plastic or metal tag attached to each plant, or on the box or container if the plant is sealed in plastic. In addition, this statement must be displayed on the outside of any shipping containers used to transport these plants, and the limited permit must be attached to the bill of lading or other shipping document that accompanies the plants.

(c) Regulated nursery stock produced in a nursery located in a quarantined area that is not eligible for movement under paragraph (b) of this section may be moved interstate only for immediate export. The regulated nursery stock must be accompanied by a limited permit issued in accordance with § 301.75-12 and must be moved in a container sealed by APHIS directly to the port of export in accordance with the conditions of the limited permit.

[72 FR 13427, Mar. 22, 2007]

**§ 301.75-7 Interstate movement of regulated fruit from a quarantined area.**

(a) *Regulated fruit produced in a quarantined area.* Regulated fruit may be moved interstate from a quarantined area into any area of the United States except commercial citrus-producing areas if all of the following conditions are met: