

mile radius with the detection as a center point.

Day degrees. A unit of measurement used to measure the amount of heat required to further the development of fruit flies through their life cycle. Day-degree life cycle requirements are calculated through a modeling process specific for each fruit fly species.

Drip area. The area under the canopy of a plant.

Infestation. The presence of the Oriental fruit fly or the existence of circumstances that make it reasonable to believe that the Oriental fruit fly is present.

Inspector. Any employee of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

Interstate. From any State into or through any other State.

Limited permit. A document, in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is eligible for interstate movement in accordance with § 301.93-5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

Moved (Move, Movement). Shipped, offered for shipment, received for transportation or transported, carried, or allowed to be moved, shipped, transported, or carried by any means.

Oriental fruit fly. The insect known as Oriental fruit fly (*Bactrocer dorsalis* (Hendel)) in any stage of development.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Quarantined area. Any State, or any portion of a State, listed in § 301.93-3(c) of this subpart.

Regulated article. Any article listed in § 301.93-2 of this subpart or otherwise designated as a regulated article in accordance with § 301.93-2(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.93-3(b) of this subpart.

State. The District of Columbia, Puerto Rico, the Northern Mariana Islands, or any State, territory or possession of the United States.

[58 FR 8521, Feb. 16, 1993; 58 FR 29028, May 18, 1993, as amended at 71 FR 66832, Nov. 17, 2006]

§ 301.93-2 Regulated articles.

The following are regulated articles:

(a) The following fruits, nuts, vegetables, and berries:

Akia (*Wikstromia phylluraefolia*)
 Alexander laurel (*Calophyllum inophyllum*)
 Apple (*Malus sylvestris*)
 Apricot (*Prunus armeniaca*)
 Avocado (*Persea americana*)
 Banana (*Musa paradisiaca* var. *sapientum*)
 (*Musaxparadisiaca*)
 Banana, dwarf (*Musa nana*)
 Barbados cherry (*Malpighia glabra*)
 Bell pepper (*Capsicum annum*)
 Brazil cherry (*Eugenia dombeyi*)
 Breadfruit (*Artocarpus altilis*)
 Cactus (*Cereus coeruleus*)
 Caimitillo (*Chrysophyllum oliviforme*)
 Cashew (*Anacardium occidentale*)
 Cherimoya (*Annona Cherimola*)
 Cherry, Catalina (*Prunus ilicifolia*)
 Cherry, Portuguese (*P. lusitanica*)
 Chile (*Capsicum annum*)
 Coffee, Arabian (*Coffea arabica*)
 Country gooseberry (*Averrhoa carambola*)
 Cucumber (*Cucumis sativas*)
 Custard apple (*Annona reticulata*)
 Date palm (*Phoenix dactylifera*)
 Dragon tree (*Dracena draco*)
 Eggfruit tree (*Pouteria campechiana*)
 Elengi tree (*Mimusops elengi*)
 Fig (*Ficus carica*)
 Gourka (*Garcinia celebica*)
 Granadilla, sweet (*Passiflora ligularis*)
 Grape (*Vitis* spp.)
 Grapefruit (*Citrus paradisi*)
 Guava (*Psidium guajava*), (*P. littorale*), (*P. cattleianum*)
 Imbu (*Spondias tuberosa*)
 Jackfruit (*Artocarpus heterophyllum*)
 Jerusalem cherry (*Solanum pseudocapsicum*)
 Jujube (*Ziziphus* spp.)
 Kitembilla (*Dovyalis hebecarpa*)
 Kumquat (*Fortunella japonica*)
 Laurel (*Calophyllum inophyllum*)
 Lemon (*Citrus limon*)
 Lime, key or Mexican (*Citrus aurantifolia*)
 Lime, Persian (*Citrus latifolia*)
 Lime, sweet (*Citrus limetoides*)
 Longan (*Euphoria longan*)
 Loquat (*Eriobotrya japonica*)
 Lychee nut (*Lychee chinensis*)
 Malay apple (*Eugenia malaccensis*)
 Mammee apple (*Mammea americana*)
 Mandarin orange (*Citrus reticulata*)
 (*tangerine*)
 Mango (*Mangifera indica*)
 Mangosteen (*Garcinia mangostana*)
 Mock orange (*Murraya exotica*)
 Mulberry (*Morus nigra*)
 Myrtle, downy rose (*Rhodomyrtus tomentosa*)
 Natal plum (*Crissa grandiflora*)
 Nectarine (*Prunus persica* var. *nectarina*)
 Oleander, yellow (*Thevetia peruviana*)

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- Orange, calamondin (*Citrus reticulata* x. *fortunella*)
- Orange, Chinese (*Fortunella japonica*)
- Orange, king (*Citrus reticulata* x. *C. sinensis*)
- Orange, sweet (*Citrus sinensis*)
- Orange, Unshu (*Citrus reticulata* var. *Unshu*)
- Oriental bush red pepper (*Capsicum frutescens abbreviatum*)
- Otaheite apple (*Spondias dulcis*)
- Palm, syrup (*Jubaea spectabilis*)
- Papaya (*Carica papaya*)
- Passionflower (*Passiflora edulis*)
- Passionflower, softleaf (*Passiflora mollissima*)
- Passionfruit (*Passiflora edulis*) (*yellow lilikoi*)
- Peach (*Prunus persica*)
- Pear (*Pyrus communis*)
- Pepino (*Solanum muricatum*)
- Pepper, sweet (*Capsicum frutescens* var. *grossum*)
- Persimmon, Japanese (*Diospyros kaki*)
- Pineapple guava (*Feijoa sellowiana*)
- Plum (*Prunus americana*)
- Pomegranate (*Punica granatum*)
- Prickly pear (*Opuntia megacantha*) (*Opuntia ficus indica*)
- Prune (*Prunus domestica*)
- Pummelo (*Citrus grandis*)
- Quince (*Cydonia oblonga*)
- Rose apple (*Eugenia jambos*)
- Sandalwood (*Santalum paniculatum*)
- Sandalwood, white (*Santalum album*)
- Santol (*Sandericum koetjape*)
- Sapodilla (*Manilkara zapota*)
- Sapodilla, chiku (*Manilkara zapota*)
- Sapota, white (*Casimiroa edulis*)
- Seagrape (*Coccoloba uvifera*)
- Sour orange (*Citrus aurantium*)
- Soursop (*Annona muricata*)
- Star apple (*Chrysosphyllum cainito*)
- Surinam cherry (*Eugenia uniflora*)
- Tomato (*Lycopersicon esculentum*)
- Tropical almond (*Terminalia catappa*) (*Terminalia chebula*)
- Velvet apple (*Diospyros discolor*)
- Walnut (*Juglans hindsii*)
- Walnut, English (*Juglans regia*)
- Wampi (*Citrus lansium*)
- West Indian cherry (*Malpighia punicifolia*)
- Ylang-Ylang (*Cananga odorata*)

Any fruits, nuts, vegetables, or berries that are canned or dried or frozen below -17.8 °C. (0 °F.) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the fruits, nuts, vegetables, or berries listed in paragraph (a) of this section.

(c) Any other product, article, or means of conveyance not covered by paragraph (a) or (b) of this section that an inspector determines presents a risk of spread of the Oriental fruit fly and notifies the person in possession of it

that the product, article, or means of conveyance is subject to the restrictions of this subpart.

[58 FR 8521, Feb. 16, 1993; 58 FR 29028, May 18, 1993, as amended at 71 FR 66832, Nov. 17, 2006]

§ 301.93-3 Quarantined areas.

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each State, or each portion of a State, in which the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. Less than an entire State will be designated as a quarantined 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 this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing quarantined areas. The Administrator will give written notice of this temporary designation to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section 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.