

§ 301.93-3

7 CFR Ch. III (1-1-08 Edition)

- 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.

(c) 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.

(c) The areas described below are designated as quarantined areas: There are no areas in the continental United States quarantined for the Oriental fruit fly.

[58 FR 8521, Feb. 16, 1993, as amended at 60 FR 18728, Apr. 3, 1995; 62 FR 45142, Aug. 26, 1997; 62 FR 47552, Sept. 10, 1997; 62 FR 53225, Oct. 14, 1997; 63 FR 16878, Apr. 7, 1998; 64 FR 31964, June 15, 1999; 64 FR 52214, Sept. 28, 1999; 64 FR 55812, Oct. 15, 1999; 65 FR 26488, May 8, 2000; 66 FR 46366, Sept. 5, 2001; 69 FR 56159, Sept. 20, 2004; 69 FR 67042, Nov. 16, 2004; 70 FR 10862, Mar. 7, 2005; 70 FR 11112, Mar. 8, 2005; 71 FR 66832, Nov. 17, 2006; 72 FR 2598, Jan. 22, 2007; 72 FR 40062, July 23, 2007]

§ 301.93-4 Conditions governing the interstate movement of regulated articles from quarantined areas.

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:²

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.93-5 and 301.93-8 of this subpart;

(b) Without a certificate or limited permit, if:

(1) The regulated article originated outside of any quarantined area and is moved directly through (without stopping except for refueling, or for traffic conditions, such as traffic lights or stop signs) the quarantined area in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Oriental fruit flies (such as canvas, plastic, or closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

(c) Without a certificate or limited permit, if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

²Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.

(2) Pursuant to a permit issued by the Administrator for the regulated article;

(3) Under conditions specified on the permit and found by the Administrator to be adequate to prevent the spread of Oriental fruit fly; and

(4) With a tag or label bearing the number of the permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in a container.

(Approved by the Office of Management and Budget under control number 0579-0088)

§ 301.93-5 Issuance and cancellation of certificates and limited permits.

(a) An inspector³ will issue a certificate for the interstate movement of a regulated article if the inspector determines that:

(1) (i) The regulated article has been treated in accordance with § 301.93-10 of this subpart; or

(ii) Based on inspection of the premises of origin, or treatment of the premises of origin in accordance with § 301.93-10(c) of this subpart, the premises are free from Oriental fruit flies and the regulated article has not been exposed to Oriental fruit fly; or

(iii) Based on inspection of the regulated article, it is free of Oriental fruit fly; and

(2) The regulated article is to be moved in compliance with any additional conditions deemed necessary under section 414 of the Plant Protection Act (7 U.S.C. 7714)⁴ to prevent the spread of the Oriental fruit fly; and

(3) The regulated article is eligible for unrestricted movement under all

³Inspectors are assigned to local offices of the Animal and Plant Health Inspection Service, which are listed in telephone directories. Information concerning these offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

⁴An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).