

§ 301.97

7 CFR Ch. III (1–1–08 Edition)

Fumigation exposure time	Refrigeration	
	Days	Temperature
3 hours .....	3	6.11–8.33 °C. (43–47 °F.)
	6	9.88–13.33 °C. (48–56 °F.)

(ii) *Refrigeration plus fumigation.* Refrigerate for 21 days at 0.55 °C. (33 °F.) or below, then fumigate at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with—

(A) 48 g/m<sup>3</sup> (3 lb/1000 ft<sup>3</sup>) methyl bromide for 2 hours at 4.5 °C. (40–59 °F.), minimum gas concentration 44 g/m<sup>3</sup> at ½ hour, 36 g/m<sup>3</sup> at 2 hours; or

(B) 40 g/m<sup>3</sup> (2½ lb/1000 ft<sup>3</sup>) methyl bromide for 2 hours at 15.5–20.5 °C. (60–69 °F.), minimum gas concentration 36 g/m<sup>3</sup> at ½ hour, 28 g/m<sup>3</sup> at 2 hours; or

(C) 32 g/m<sup>3</sup> (2 lb/1000 ft<sup>3</sup>) methyl bromide for 2 hours at 21–26 °C. (70–79 °F.), minimum gas concentration 30 g/m<sup>3</sup> at ½ hour, 25 g/m<sup>3</sup> at 2 hours.

(3) *Tomato—(i) Fumigation.* Fumigate with methyl bromide at normal atmospheric pressure (chamber or tarpaulin, load not to exceed 80%) with 32g/m<sup>3</sup> (2 lb/1000 ft<sup>3</sup>) for 3½ hours at 21 °C. (70 °F.) or above, minimum gas concentration 26 g/m<sup>3</sup> at ½ hour, 14 g/m<sup>3</sup> at 4 hours.

(ii) *Vapor heat.* Heat by saturated water vapor at 44.4 °C. (112 °F.) until approximate center of tomato reaches 44.4 °C. (112 °F.). Maintain at 44.4 °C. (112 °F.) for 8¾ hours, then immediately cool.

(b) *Premises.* A field, grove, or area that is located within the quarantined area but outside the infested core area, and that produces regulated articles, must receive regular treatments with either malathion or spinosad bait spray. These treatments must take place at 6-to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for completion of egg and larvae development of the Oriental fruit fly. Determination of the time period must be based on the day degrees model for the Oriental fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 oz technical grade malathion and 9.6 oz of protein hydrolysate per acre. The spinosad bait spray treatment must be applied by aircraft or ground equipment at a rate of 0.01 oz of a

USDA-approved spinosad formulation and 48 oz of protein hydrolysate per acre. For ground applications, the mixture may be diluted with water to improve coverage.

(c) *Soil.* Soil within the drip area of plants which are producing or have produced the fruits, nuts, vegetables, and berries listed in §301.93–2(a) of this subpart: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the drip area with sufficient water to wet the soil to at least a depth of ½ inch. Both immersion and pour-on treatment procedures are also acceptable.

[58 FR 8521, Feb. 16, 1993; 58 FR 29028, May 18, 1993; 67 FR 8465, Feb. 25, 2002; 69 FR 56159, Sept. 20, 2004; 70 FR 33268, June 7, 2005]

**Subpart—Melon Fruit Fly**

SOURCE: 65 FR 8636, Feb. 22, 2000, unless otherwise noted.

**§ 301.97 Restrictions on interstate movement of regulated articles.**

No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.<sup>1</sup>

[65 FR 8636, Feb. 22, 2000, as amended at 66 FR 21053, Apr. 27, 2001]

**§ 301.97–1 Definitions.**

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

*Animal and Plant Health Inspection Service.* The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture.

*Certificate.* A document in which an inspector or person operating under a compliance agreement affirms that a specified regulated article is free of melon fruit fly and may be moved interstate to any destination.

<sup>1</sup>Any properly identified inspector is authorized to stop and inspect persons and means of conveyance and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).