

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

Regulated articles may be moved interstate from any quarantined area only in accordance with this subpart.<sup>1</sup>

[57 FR 54496, Nov. 19, 1992, as amended at 58 FR 6347, Jan. 28, 1993]

**§ 301.50-1 Definitions.**

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

*Animal and Plant Health Inspection Service (APHIS).* The Animal and Plant Health Inspection Service 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 pine shoot beetle and may be moved interstate to any destination.

*Compliance agreement.* A written agreement between APHIS and a person engaged in growing, handling, or moving regulated articles, in which the person agrees to comply with the provisions of this subpart.

*Infestation.* The presence of the pine shoot beetle or the existence of circumstances that make it reasonable to believe that the pine shoot beetle is present.

*Inspector.* Any employee of the Animal and Plant Health Inspection Service, or other individual, authorized by the Administrator to enforce this subpart.

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

*Limited permit (permit).* A document in which an inspector, or person operating under a compliance agreement, affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.50-5(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, transported, carried, or allowed to be moved, shipped, transported, or carried.

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

*Pine nursery stock.* All *Pinus* spp. woody plants, shrubs, and rooted trees, including dug (balled and burlaped) Christmas trees, and ornamental pine, such as bonsai.

*Pine shoot beetle.* The insect known as pine shoot beetle, *Tomicus piniperda* (Linnaeus), in any stage of development.

*Quarantined area.* Any State, or any portion of a State, listed in § 301.50-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.50-3(b) of this subpart.

*Regulated article.* Any article listed in § 301.50-2 (a) or (b) of this subpart or otherwise designated as a regulated article in accordance with § 301.50-2(c) of this subpart.

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

[57 FR 54496, Nov. 19, 1992, as amended at 58 FR 6347, Jan. 28, 1993]

**§ 301.50-2 Regulated articles.**

The following are regulated articles:

(a) Pine products (*Pinus* spp.), as follows: Bark nuggets (including bark chips); Christmas trees; logs with bark attached; lumber with bark attached; nursery stock; pine wreaths and garlands; raw pine materials for pine wreaths and garlands; and stumps.

(b) Any article, product, or means of conveyance not covered by paragraph (a) of this section, that presents a risk of spread of the pine shoot beetle and that an inspector notifies the person in possession of it is subject to the restrictions of this subpart.

[57 FR 54496, Nov. 19, 1992, as amended at 60 FR 55778, Nov. 3, 1995]

<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 section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and sections 105 and 107 of the Federal Plant Pest Act (7 U.S.C. 150dd, 150ff).