

*Infestation (infested).* The presence of the pale cyst nematode or the existence of circumstances that makes it reasonable to believe that the pale cyst nematode is present.

*Infested field.* A field that has been found to be infested with pale cyst nematode in accordance with § 301.86-3(c)(1).

*Inspector.* Any employee of APHIS or other person authorized by the Administrator to perform the duties required under 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 the regulated article identified on the document is eligible for interstate movement in accordance with § 301.86-5(b) 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.

*Nursery stock.* Living plants and plant parts intended to be planted, to remain planted, or to be replanted.

*Pale cyst nematode.* The pale cyst nematode (*Globodera pallida*), in any stage of development.

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

*Plant Protection and Quarantine.* The Plant Protection and Quarantine program of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

*Quarantined area.* Any State or portion of a State designated as a quarantined area in accordance with the provisions in § 301.86-3.

*Regulated article.* Any article listed in § 301.86-2 or otherwise designated as a regulated article in accordance with § 301.86-2(i).

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

[72 FR 51984, Sept. 12, 2007, as amended at FR 19381, Apr. 29, 2009]

#### § 301.86-2 Regulated articles.

The following are regulated articles:

- (a) Pale cyst nematodes.<sup>2</sup>
- (b) The following pale cyst nematode host crops:

Eggplant (*Solanum melongena* L.)  
Pepper (*Capsicum* spp.)  
Potato (*Solanum tuberosum* L.)  
Tomatillo (*Physalis philadelphica*)  
Tomato (*Lycopersicon esculentum* L.)

- (c) Root crops.
- (d) Garden and dry beans (*Phaseolus* spp.) and peas (*Pisum* spp.).
- (e) All nursery stock.
- (f) Soil, compost, humus, muck, peat, and manure, and products on or in which soil is commonly found, including grass sod and plant litter.
- (g) Hay, straw, and fodder.
- (h) Any equipment or conveyance used in an infested or associated field that can carry soil if moved out of the field.
- (i) Any other product, article, or means of conveyance not listed in paragraphs (a) through (h) of this section that an inspector determines presents a risk of spreading the pale cyst nematode, after the inspector provides written notification to the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

[72 FR 51984, Sept. 12, 2007, as amended at 74 FR 19381, Apr. 29, 2009]

#### § 301.86-3 Quarantined areas.

- (a) *Designation of quarantined areas.* In accordance with the criteria listed in paragraph (c) of this section, the Administrator will designate as a quarantined area each field that has been found to be infested with pale cyst nematode, each field that has been found to be associated with an infested field, and any area that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from infested or associated fields. The Administrator will publish the description of the quarantined area on the Plant Protection and Quarantine Web site, <http://www.aphis.usda.gov/>

<sup>2</sup>Permit and other requirements for the interstate movement of pale cyst nematodes are contained in part 330 of this chapter.