

§ 301.86-2 Regulated articles.

The following are regulated articles:

- (a) Pale cyst nematodes.²
- (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/>

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

plant_health/plant_pest_info/potato/pcn.shtml. The description of the quarantined area will include the date the description was last updated and a description of the changes that have been made to the quarantined area. The description of the quarantined area may also be obtained by request from any local office of PPQ; local offices are listed in telephone directories. After a change is made to the quarantined area, we will publish a notice in the FEDERAL REGISTER informing the public that the change has occurred and describing the change to the quarantined area.

(b) *Designation of an area less than an entire State as a quarantined area.* 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 equivalent to 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 pale cyst nematode.

(c) *Criteria for designation of fields as infested fields and associated fields.* (1) *Infested fields.* The Administrator will designate a field as an infested field when a pale cyst nematode is found in the field.

(2) *Associated fields.* The Administrator will designate a field as an associated field when pale cyst nematode host crops, as listed in §301.86-2(b), have been grown in the field in the last 10 years and

(i) The field shares a border with an infested field; or

(ii) The field came into contact with a regulated article listed in §301.86-2 from an infested field within the last 10 years; or

(iii) Within the last 10 years, the field shared ownership, tenancy, seed, drainage or runoff, farm machinery, or other elements of shared cultural practices with an infested field that could allow spread of the pale cyst nematode, as determined by the Administrator.

(d) *Removal of fields from quarantine—*
 (1) *Infested fields.* An infested field will be removed from quarantine when a