§ 301.85–2a

respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the golden nematode.

(b) Temporary designation of regulated areas and suppressive or generally infested areas. The Deputy Administrator or an authorized inspector may temporarily designate any other premises in a quarantined State as a regulated area and a suppressive or generally infested area, in accordance with the criteria specified in paragraph (a) of this section for listing such area, by serving written notice thereof on the owner or person in possession of such premises, and thereafter the interstate movement of regulated articles from such premises by any person having notice of the designation shall be subject to the applicable provisions of this subpart. As soon as practicable, such premises shall be added to the list in § 301.85–2a if a basis then exists for their designation; otherwise the designation shall be terminated by the Deputy Administrator or an authorized inspector and notice thereof shall be given to the owner or person in possession of the premises.

(c) Termination of designation as a regulated area and a suppressive or generally infested area. The Deputy Administrator shall terminate the designation provided for under paragraph (a) of this section of any area listed as a regulated area and suppressive or generally infested area when he determines that such designation is no longer required under the criteria specified in paragraph (a) of this section.

(d) Exemption of articles from certification, permit, or other requirements. The Deputy Administrator may, in a supplemental regulation designated as § 301.85–2b, list regulated articles or movements of regulated articles which shall be exempt from the certification, permit, or other requirements of this subpart under such conditions as he or she may prescribe, if he or she finds that facts exist as to the pest risk involved in the movement of such regulated articles which make it safe to so relieve such requirements.

[37 FR 24330, Nov. 16, 1972, as amended at 70 FR 33268, June 7, 2005]

§ 301.85–2a Regulated areas; suppressive and generally infested areas.

The civil divisions and parts of civil divisions described below are designated as golden nematode regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below:

NEW YORK

(1) Generally infested area:

- Cayuga County. (A) The Town of Montezuma;

- Livingston County. The towns of Avon, Caledonia, Geneseo, Groveland, Leicester, Lima, Livonia, Mount Morris, West Sparta, and York.

- Nassau County. The entire county.

- Orleans County. The towns of Barre and Clarendon.

- Steuben County. (A) The towns of Prattsburg and Wheeler;

- Seneca County. The town of Tyre.

- Steuben County. (C) The Werth, Dale farm, known as the "Werthwhile Farm," located in the town of Cohocton on the north side of County Road 5 (known as Brown Hill Road), and 0.2 mile west of the junction of County Road 5 with County Road 58 (known as Wager Road); and
(D) The property located in the town of Fremont that is bounded as follows: Beginning at a point on Babcock Road that intersects a farm road marked by latitude/longitude coordinates 42°26'12.2", -77°34'30.7"; then west along the farm road to coordinates 42°26'12.2", -77°34'40.9"; then south to coordinates 42°25'59.9", -77°34'30.7"; then west to coordinates 42°25'54.7", -77°34'40.9"; then south to coordinates 42°26'00.7", -77°34'30.7"; then east to coordinates 42°25'59.9", -77°34'40.4"; then south to coordinates 42°25'54.7", -77°34'40.9"; then east to coordinates 42°25'56.3", -77°34'37.7"; then north to coordinates 42°25'56.9", -77°34'35.0"; then east to coordinates 42°25'54.7", -77°34'34.1"; then north to coordinates 42°26'05.8", -77°34'32.5"; then east to coordinates 42°26'05.7", -77°34'29.9"; then north to the point of beginning at coordinates 42°26'12.5", -77°34'30.4".

Suffolk County. The entire county.

Wayne County. The town of Savannah.

(2) Suppressive area: None.

§ 301.85–2b Exempted articles. ¹

(a) The following articles are exempt from the certification and permit requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) (1) through (4) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs: Provided, That this exemption shall not apply to any class of regulated articles specified by an inspector in a written notification to the owner or person in possession of the premises that the movement of such articles from such premises under this exemption would involve a hazard of spread of the golden nematode:

(1) Root crops (other than Irish potatoes and sugar beets), if moved in approved containers.

(2) Hay, straw, fodder, and plant litter, if moved in approved containers.

(c) Containers of the following types are approved for the purposes of this section:

(1) New paper bags; and consumer packages of any material except cloth or burlap.

(2) Crates, pallet boxes, trucks, and boxcars, if free of soil.

§ 301.85–3 Conditions governing the interstate movement of regulated articles from quarantined States. ²

(a) Any regulated articles except soil samples for processing, testing, or analysis may be moved interstate from any quarantined State under the following conditions:

(1) With certificate or permit issued and attached in accordance with §§301.85–4 and 301.85–7 if moved:

(i) From any generally infested area or any suppressive area into or through any point outside of the regulated areas; or

(ii) From any generally infested area into or through any suppressive area; or

(iii) Between any noncontiguous suppressive areas; or

(iv) Between contiguous suppressive areas when it is determined by an inspector that the regulated articles

¹The articles hereby exempted remain subject to applicable restrictions under other quarantines and other provisions of this subpart.

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