

## Animal and Plant Health Inspection Service, USDA

## § 305.1

### PART 302—DISTRICT OF COLUMBIA; MOVEMENT OF PLANTS AND PLANT PRODUCTS

Sec.

302.1 Definitions.

302.2 Movement of plants and plant products.

AUTHORITY: 7 U.S.C. 7701-7772 and 7781-7786; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 66 FR 1016, Jan. 5, 2001, unless otherwise noted.

#### § 302.1 Definitions.

*Inspector.* Any employee of the Animal and Plant Health Inspection Service or other person authorized by the Administrator to inspect and certify the plant health status of plants and products under this part.

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

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

#### § 302.2 Movement of plants and plant products.

Inspection or documentation of the plant health status of plants or plant products to be moved interstate from the District of Columbia may be obtained by contacting the State Plant Health Director, Plant Protection and Quarantine, APHIS, Wayne A. Cawley, Jr. Building, Room 350, 50 Harry S. Truman Parkway, Annapolis, MD 21401-7080; phone: (410) 224-3452; fax: (410) 224-1142.

[66 FR 54641, Oct. 30, 2001]

### PART 305—PHYTOSANITARY TREATMENTS

Sec.

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AUTHORITY: 7 U.S.C. 7701-7772 and 7781-7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

SOURCE: 75 FR 4241, Jan. 26, 2010, unless otherwise noted.

#### § 305.1 Definitions.

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any person delegated to act for the Administrator in matters affecting this part.

*APHIS.* The Animal and Plant Health Inspection Service, United States Department of Agriculture.

*Cold treatment.* Exposure of a commodity to a specified cold temperature that is sustained for a specific time period to kill targeted pests, especially fruit flies.

*Dose mapping.* Measurement of absorbed dose within a process load using dosimeters placed at specified locations to produce a one-, two-, or three-dimensional distribution of absorbed dose, thus rendering a map of absorbed-dose values.

*Dosimeter.* A device that, when irradiated, exhibits a quantifiable change in some property of the device that can be related to absorbed dose in a given material using appropriate analytical instrumentation and techniques.

*Dosimetry system.* A system used for determining absorbed dose, consisting of dosimeters, measurement instruments and their associated reference standards, and procedures for the system's use.

*Fumigant.* A gaseous chemical that easily diffuses and disperses in air and is toxic to the target organism.

*Fumigation.* Releasing and dispersing a toxic chemical in the air so that it reaches the target organism in a gaseous state.

*Inspector.* Any individual authorized by the Administrator of APHIS or the Commissioner of Customs and Border Protection, Department of Homeland Security, to enforce the regulations in this part.

*Irradiation.* Treatment with any type of ionizing radiation.

*Methyl bromide.* A colorless, odorless biocide used to fumigate a wide range of commodities.

## § 305.2

## 7 CFR Ch. III (1–1–14 Edition)

*Neutralize.* To prevent the establishment of a plant pest by killing it, sterilizing it, preventing its development from an immature stage, or preventing its emergence from its host.

*Plant Protection and Quarantine (PPQ).* The Plant Protection and Quarantine program of APHIS.

*PPQ Treatment Manual.* A document that contains treatment schedules that are approved by the Administrator for use under this part. The Treatment Manual is available on the Internet at ([http://www.aphis.usda.gov/import\\_export/plants/manuals/index.shtml](http://www.aphis.usda.gov/import_export/plants/manuals/index.shtml)) or by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Manuals Unit, 92 Thomas Johnson Drive, Suite 200, Frederick, MD 21702.

*Quick freeze.* A commercially acceptable method of quick freezing at sub-zero temperatures with subsequent storage and transportation at not higher than 20 °F. Methods that accomplish this are known as quick freezing, sharp freezing, cold pack, or frozen pack, but may be any equivalent commercially acceptable freezing method.

*Section 18 of Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).* An emergency exemption granted by the U.S. Environmental Protection Agency to Federal or State agencies authorizing an unregistered use of a pesticide for a limited time.

*Vacuum fumigation.* Fumigation performed in a gas-tight enclosure. Most air in the enclosure is removed and replaced with a small amount of fumigant. The reduction in pressure reduces the required duration of the treatment.

[75 FR 4241, Jan. 26, 2010, as amended at 76 FR 60360, Sept. 29, 2011]

### § 305.2 Approved treatments.

(a) Certain commodities or articles require treatment, or are subject to treatment, prior to interstate movement within the United States or importation or entry into the United States. Treatment is required as indicated in parts 301, 318, and 319 of this chapter, on a permit, or by an inspector.

(b) Treatments may only be administered in accordance with the requirements of this part and in accordance with treatment schedules approved by

the Administrator as effective at neutralizing quarantine pests. The treatment schedules found in the PPQ Treatment Manual have been approved by the Administrator. Treatment schedules may be added to the PPQ Treatment Manual in accordance with § 305.3. Treatment schedules may also be approved by the Administrator in accordance with paragraph (c) of this section.

(c) Persons who wish to have a treatment schedule approved by the Administrator as effective at neutralizing a quarantine pest or pests may apply for approval by submitting the treatment schedule, along with any supporting information and data, to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Center for Plant Health Science and Technology, 1730 Varsity Drive, Suite 400, Raleigh, NC 27606–5202. Upon receipt of such an application, the Administrator will review the schedule and the supporting information and data and respond with approval or denial of the treatment schedule. If the Administrator determines the treatment schedule to be of potential general use, the Administrator may add the new treatment schedule to the PPQ Treatment Manual or revise an existing schedule, as appropriate, in accordance with § 305.3.

(d) APHIS is not responsible for losses or damages incurred during treatment and recommends that a sample be treated first before deciding whether to treat the entire shipment.

[75 FR 4241, Jan. 26, 2010, as amended at 76 FR 60360, Sept. 29, 2011]

### § 305.3 Processes for adding, revising, or removing treatment schedules in the PPQ Treatment Manual.

(a) *Normal process for adding, revising, or removing treatment schedules.* Unless there is a need to immediately add, revise, or remove a treatment schedule, as provided in paragraph (b)(1) of this section, a treatment schedule may be added to the PPQ Treatment Manual, revised, or removed from the PPQ Treatment Manual as follows:

(1) *Notice of change to treatment schedule.* APHIS will publish in the FEDERAL REGISTER a notice describing the reasons we have determined that it is necessary to add, revise, or remove a