

Subpart—Fruits and Vegetables From Puerto Rico or Virgin Islands

QUARANTINE

§ 318.58 Notice of quarantine.

(a) Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), Puerto Rico and the Virgin Islands of the United States are quarantined to prevent the spread of certain dangerous insects that are not widely prevalent or distributed within and throughout the United States, including the fruit flies *Anastrepha suspensa* (Loew) and *obliqua*; the bean pod borer *Maruca testulalis* (Geyer); and a cactus borer, *Cactoblastis cactorum* (Berg.).

(b) No fruits or vegetables, in the raw or unprocessed state, shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, by any person from Puerto Rico or the Virgin Islands of the United States into or through Guam, Hawaii, or the continental United States, and no cactus plants or parts thereof shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, by any person from the Virgin Islands of the United States into or through Guam, Puerto Rico, or the continental United States; in any manner or method or under conditions other than those prescribed in the regulations hereinafter made or amendments thereto: *Provided*, That whenever the Administrator shall find that existing conditions as to the pest risk involved in the movement of any of the articles to which the regulations supplemental hereto apply, make it safe to modify, by making less stringent, the restrictions contained in any of such regulations, the administrator shall publish such finding in administrative instructions, specifying the manner in which the restrictions shall be made less stringent, whereupon such modification shall become effective; or the administrator may, when the public interest will permit, with respect to the

movement of any of such articles to Guam, upon request in specific cases and notification to the person making the request, authorize their certification under conditions, specified in the certificate to carry out the purposes of this subpart, that are less stringent than those contained in the regulations.

(c) Except for pigeon peas (fresh shelled or in the pod) moved from Puerto Rico to the U.S. Virgin Islands, which must meet the requirements of § 318.58-2(b)(4), no restrictions are placed on the movement of fruits or vegetables in either direction between Puerto Rico and the U.S. Virgin Islands.

(d) This subpart leaves in full force and effect § 318.60 which restricts the movement from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State or certain Territories or Districts of the United States of sand, soil, or earth about the roots of plants.

(e) Regulations governing the movement of live plant pests designated in this section are contained in part 330 of this chapter.

[28 FR 13281, Dec. 7, 1963, as amended at 30 FR 748, Jan. 23, 1965; 66 FR 21054, Apr. 27, 2001; 68 FR 2683, Jan. 21, 2003; 68 FR 28114, May 23, 2003; 70 FR 33324, June 7, 2005; 71 FR 4463, Jan. 27, 2006]

RULES AND REGULATIONS

§ 318.58-1 Definitions.

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other employee of the Animal and Plant Health Inspection Service authorized to act in the Administrator's stead.

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS).

Cactus plants. Any of various fleshy-stemmed plants of the botanical family Cactaceae.

Certificate. A document signed by an inspector certifying that a particular ship, vessel, other surface craft, or aircraft, or any specified lot or shipment of fruits or vegetables or other plant

materials, via baggage, parcel post, express, freight or other mode of transportation, has been inspected and found apparently free from articles the movement of which is prohibited by the quarantine and regulations in this subpart, and from the plant pests referred to in said quarantine; or that the lot or shipment is of such a nature that no danger of infestation or infection is involved; or that it has been treated in a manner to eliminate infestation. A certificate covering treated products must state the treatment applied.

Continental United States. The 48 contiguous States, Alaska, and the District of Columbia.

Fruits and vegetables. The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

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.

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

Limited permit. A document issued by an inspector for the interstate movement of regulated articles to a specified destination for:

(1) Consumption, limited utilization or processing, or treatment, in conformity with a compliance agreement; or

(2) Movement into or through the continental United States in conformity with a transit permit.

Means of conveyance. For the purposes of §318.58-12 of this subpart, "means of conveyance" shall mean a ship, truck, aircraft, or railcar.

Moved (movement and move). Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person as specified in §318.58(b) with respect to fruits and vegetables and with respect to fruits and vegetables and with respect to cactus plants and parts thereof. "Movement" and "move" shall be construed accordingly.

Person. Any individual, corporation, company, society, association, or other organized group.

Plant litter. Leaves, twigs, or other portions of plants, or plant remains or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

Sealed (sealable) container. A completely enclosed container designed for the storage and/or transportation of commercial air, sea, rail, or truck cargo, and constructed of metal or fiberglass, or other similarly sturdy and impenetrable material, providing an enclosure accessed through doors that are closed and secured with a lock or seal. Sealed (sealable) containers used for sea shipments are distinct and separable from the means of conveyance carrying them when arriving in and in transit through the continental United States. Sealed (sealable) containers used for air shipments are distinct and separable from the means of conveyance carrying them before any transloading in the continental United States. Sealed (sealable) containers used for air shipments after transloading in the continental United States or for overland shipments in the continental United States may either be distinct and separable from the means of conveyance carrying them, or be the means of conveyance itself.

State. Each of the 50 States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States, and all other territories and possessions of the United States.

Transit permit. A written authorization issued by the Administrator for the movement of fruits and vegetables en route to a foreign destination that are otherwise prohibited movement by this subpart into or through the continental United States. Transit permits authorize one or more shipments over a designated period of time.

Transloading. The transfer of cargo from one sealable container to another,

from one means of conveyance to another, or from a sealable container directly into a means of conveyance.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13281, Dec. 7, 1963; 36 FR 24917, Dec. 24, 1971; 54 FR 3580, Jan. 25, 1989; 58 FR 7961, Feb. 11, 1993; 71 FR 4463, Jan. 27, 2006]

§ 318.58-2 Regulated articles.

(a) *Prohibited movement.* Fruits, vegetables, and other products specified in § 318.58 and not eligible for inspection and certification under § 318.58-4 or otherwise expressly authorized movement in the regulations in this subpart are prohibited movements.

(b) *Regulated movement.* (1) Subject to the conditions provided in this section, and to any treatment prescribed by the Administrator, the following fruits and vegetables may be moved when they are free from plant litter, are marked in compliance with § 318.58-6, and have been inspected by an inspector and certified by the inspector to be free from injurious insect infestation (including the West Indian fruit fly and the bean pod borer) or to have been given prescribed treatment:

Citrus fruits (orange, grapefruit, lemon, citron, and lime);

Corn (sweet corn on cob);

Mangoes (*Mangifera* spp.), no larger than 900 grams each, when treated as prescribed in part 305 of this chapter; Peppers;

Pigeon peas (in the pod) from the U.S. Virgin Islands and string beans, lima beans, faba beans, and fresh okra from Puerto Rico or the U.S. Virgin Islands.¹

(2) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by the inspector to be infested shall be free to move without certification, marking, treatment, or other requirements of this subpart, except that they must be free from plant

litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, the inspector shall notify the owner or person in charge, in writing, of the existence of the infestation and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (*Hymenaea courbaril*).

Allium spp. (onion, chive, garlic, leek, scallion, shallot).

Anise (*Pimpinella anisum*).

Apio, celery root (*Arracacia xanthorrhiza*).

Arrowroot (*Maranta arundinacea*).

Artichoke, Jerusalem (*Helianthus tuberosus*).

Asparagus.

Avocado.

Balsamapple, balsam-pear (*Momordica balsamina*; *M. charantia*).

Banana and plantain (fruit).

Banana leaves (fresh, without stalks or midrib).

Beans (fresh shelled lima and faba beans).

Beet, including Swiss chard.

Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).

Breadfruit, jackfruit (*Artocarpus* spp.).

Cacao bean (*Theobroma cacao*).

Carrot.

Celery.

Chayote (*Sechium edule*).

Chicory, endive (*Cichorium intybus*).

Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.

Cucumbers, including Angola cucumber (*Sicana odorata*).

Culantro, coriander (*Eryngium foetidum*; *Coriandrum sativum*).

Dasheen, malanga, taro (*Colocasia* and *Caladium* spp.).

Eggplant.

Fennel.

Ginger root (*Zingiber officinale*).

Horseradish (*Armoracia*).

Kudzu (*Pueraria thunbergiana*).

Lerens, sweet corn root (*Calathea allouia*).

Lettuce.

Mangosteen (*Garcinia mangostana*).

Mustard greens.

Palm hearts.

Papaya, lechosa (*Carica papaya*).

¹These products will be certified for movement to Pacific Coast ports or to Atlantic Coast ports south of Baltimore, MD, only when they have been treated as prescribed in part 305 of this chapter. Such products may be certified for movement to Baltimore, MD, and Atlantic Coast ports north of Baltimore without such treatment, but untreated fresh okra may be so certified only for immediate processing or consumption in these northern areas.