

**§ 301.74 Restrictions on interstate movement of regulated articles.**

No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.<sup>1</sup>

[65 FR 35264, June 2, 2000, as amended at 66 FR 21051, Apr. 27, 2001]

**§ 301.74-1 Definitions.**

The following definitions apply to this subpart.

*Administrator.* The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

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

*Departmental permit.* A document issued by the Administrator in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with § 301.74-4 of this subpart.

*Infestation (infested, infected).* The presence of plum pox or circumstances or symptoms that makes it reasonable to believe that plum pox is present.

*Inspector.* Any employee of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or other person authorized by the Administrator to enforce this subpart.

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

*Moved (move, movement).* Shipped, offered for shipment, received for transportation, transported, carried, or allowed to be moved, shipped, transported, or carried.

*Person.* Any association, company, corporation, firm, individual, joint

stock company, partnership, society, or other entity.

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

*Plum pox.* A plant disease caused by plum pox potyvirus that can affect many *Prunus* (stone fruit) species, including, but not limited to, almond, apricot, nectarine, peach, plum, and sweet and tart cherry. The strain of plum pox in Pennsylvania does not affect cherry trees.

*Quarantined area.* Any State, or any portion of a State, listed in § 301.74-3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.74-3(b) of this subpart.

*Regulated article.* Any article listed in § 301.74-2(a) or otherwise designated as a regulated article in accordance with § 301.74-2(b), based on its susceptibility to the form or strain of plum pox detected in the quarantined area.

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

**§ 301.74-2 Regulated articles.**

The following are regulated articles:

(a) All plant material and plant parts of *Prunus* (stone fruit) species other than *P. avium*, *P. cerasus*, *P. effusa*, *P. laurocerasus*, *P. mahaleb*, *P. padus*, *P. sargentii*, *P. serotina*, *P. serrula*, *P. serrulata*, *P. subhirtella*, *P. yedoensis*, and *P. virginiana*, except for seeds and fruit that is free of leaves and other plant parts. This includes, but is not limited to, trees, seedlings, root stock, budwood, branches, twigs, and leaves.

(b) Any other product or article that an inspector determines to present a risk of spreading plum pox when the inspector notifies the person in possession of the product or article that it is subject to the restrictions in the regulations.

**§ 301.74-3 Quarantined areas.**

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator will list as a quarantined area in paragraph (c) of this section each State, or each portion of a State, in which plum pox has been detected

<sup>1</sup>Any properly identified inspector is authorized to stop and inspect persons and means of conveyance and to seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of regulated articles as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).