§ 301.81–10 Costs and charges.

The services of the inspector during normal business hours will be furnished without cost to persons requiring the services. The United States Department of Agriculture will not be responsible for any other costs or charges.

APPENDIX TO SUBPART—IMPORTED FIRE ANT

III. Regulatory Procedures

A. *Instructions to Inspectors.* Inspectors must know and follow instructions in the PPQ Treatment Manual, the pesticide label, and exemptions (Section 18 or 24 (c) of FIFRA) for the treatment or other procedures used to authorize the movement of regulated articles. These will serve as a basis for explaining such procedures to persons interested in moving articles affected by the quarantine. Inspectors shall furnish completed information to anyone interested in moving regulated articles.

If there are questions concerning a particular treatment, contact your supervisor.

B. *Authorized Chemicals.* The following chemicals are authorized for the treatment of regulated articles under the IFA quarantine:

INSECTICIDES

Bifenthrin (Talstar®)
Chlorpyrifos (Dursban®)
Diazinon
Fenoxycarb (AWARD®)
Fipronil (Chipco®)
Hydramethylnon (AMDRO®)
Methoprene (Extinguish®)
Pyriproxyfen (Distance®)
Tefluthrin (FIREBAN®)

C. *Approved Treatments.*

1. Equipment—Used Soil-Moving

Methods: Used soil-moving equipment is eligible for movement when an inspector determines that one of the following procedures has been done:

a. It has been brushed free of noncompacted soil;

b. It has been washed free of noncompacted soil; or

c. Noncompacted soil has been removed with air pressure equipment using compressors designed specifically for this purpose. Such compressors must provide free air delivery of no less than 30 cubic feet per minute at 200 pounds per square inch.

Certification Period: As long as kept free of noncompacted soil.

Limitations: Regardless of the type of cleaning equipment used, all debris and noncompacted soil must be removed unless it is steam-heated by a ''steam jenny'' to disinfest the articles. Used soil-moving equipment, such as bulldozers, dirt pans, motor graders, and draglines, are difficult to clean sufficiently to eliminate pest risk.

Precaution: Steam may remove loose paint and usually is not recommended for use on equipment with conveyor belts and rubber parts.

2. Hay and Straw

Baled hay and straw stored in direct contact with the ground is ineligible for movement.

3. Plants—Balled or in Containers

a. Emulsifiable chlorpyrifos.

Material: Emulsifiable chlorpyrifos—Immersion and drench treatments (post-harvest): any Environmental Protection Agency (EPA) registered formulation is acceptable.

Dosage:

Chlorpyrifos formulation	Amount of formulation to make 100 gallons of treating solution
1 EC	16 fl. oz. (472 ml).
2 EC	8 fl. oz. (236 ml).
4 EC	4 fl. oz. (118 ml).

Exposure Period: Plants can be certified immediately upon completion of treatment

Certification Period: 30 days.

Precautions: Dwarf yaupon may show phytotoxicity to chlorpyrifos.

b. Bifenthrin.

(i) Bifenthrin: Drench and Topical Applications.

Material: Bifenthrin—drench of containerized nursery stock or topical application to 3- or 4-quart containerized nursery stock followed by irrigation with water.

Dosage: Dosage rate is 25 ppm. The amount of formulation needed to achieve 25 ppm varies with the bulk density of the soil or potting media. Follow label directions to calculate the amount of formulation needed to achieve 25 ppm.

Exposure period: Containerized nursery stock can be certified immediately upon completion of the treatment.

Certification period: 180 days.

(ii) Bifenthrin: Granular Formulation

Material: Granular bifenthrin—incorporation into soil or potting media for containerized nursery stock.

Dosage: The amount of granular bifenthrin needed to achieve a specified dosage varies with the bulk density of the soil or potting media. Follow label directions to calculate the amount needed to achieve a specified dosage.

Granular Bifenthrin Dosage (parts per million)	Certification Period (months after treatment)
10 ppm	0–6 months.
12 ppm	0–12 months.
15 ppm	0–24 months.

Granular Bifenthrin Dosage (parts per million)	Certification Period (months after treatment)
25 ppm	Continuous.

Exposure Period: Containerized nursery stock can be certified immediately upon completion of the treatment.

c. Tefluthrin: Granular Formulation.

Material: Granular tefluthrin—incorporation into soil or potting media for containerized nursery stock.

Dosage: The amount of granular tefluthrin needed to achieve a specified dosage varies with the bulk density of the soil or potting media. Follow label directions to calculate the amount of granular tefluthrin needed to achieve a specified dosage.

Granular tefluthrin dosage (parts per million)	Certification period (months after treatment)
10 ppm	0–18 months.
25 ppm	Continuous.

Exposure period: Containerized nursery stock can be certified for interstate movement from quarantined areas immediately upon completion of the treatment.

d. Fipronil: Granular Formulation.

Material: Granular fipronil incorporation into soil or potting media for containerized nursery stock.

Dosage: The amount of granular fipronil needed to achieve a specified dosage varies with the bulk density of the soil or potting media. Follow label directions to calculate the amount of granular fipronil needed to achieve a specified dosage.

Granular fipronil dosage (parts per million)	Certification period (months after treatment)
10 ppm	0–6 months.
12 ppm	0–12 months.
15 ppm	0–24 months.
25 ppm	Continuous.

Exposure Period: Containerized nursery stock can be certified for interstate movement from quarantined areas 2 weeks after completion of treatment.

e. General requirements for emulsifiable chlorpyrifos, bifenthrin, tefluthrin, or fipronil.

Conditions and Type of Soil: Any friable soil may be treated.

Method A—Immersion

Equipment

1. A watertight container for mixing the treating solutions.

2. Open-top, watertight container sufficiently large to accommodate the treating solution and plants.

Procedure: Locate immersion tank in well-ventilated place. Do not remove burlap wrap or plastic containers with drain holes prior to immersion Immerse soil balls and containers, singly or in groups, so that soil is completely covered by solution. Plants must remain in solution until bubbling ceases. Plant balls should have space between them when grouped in trays, baskets, or other dipping containers. After removal from dip, plants may be set on drainboard until adequately drained.

Thorough saturation of the plant balls or containers with the insecticide solution is essential.

As treating progresses, freshly prepared treating mixture should be added to maintain liquid at immersion depth. Dispose of tank contents 8 hours after mixing. Clean tank before recharging. Disposal must comply with State and local regulations.

Precautions: Runoff of the solution from the treatment area should not be permitted. Excess solution (and used solution) must be disposed of in accordance with State and local regulations.

Method B—Drench

Equipment

1. A large-capacity bulk mixing tank, either pressurized or gravity-flow for mixing and holding the insecticide solution.

2. Properly equipped hoses and watering nozzles that can be attached to the mixing tank and used to thoroughly saturate the plant balls with the insecticide solution.

Procedure

1. Plants Balled with Burlap—Apply the chlorpyrifos solution as a substitute for plain water to the plants during the routine watering activities. Do not remove burlap wrap from plants prior to treatment. Treat plants singly or in groups with the chlorpyrifos solution to the point of runoff on a twice daily schedule for 3 consectutive days.

The above treatment should be carried out in a well-ventilated place normally used to maintain plants prior to shipment. The treatment will be enhanced by adding any agricultural wetting agent such as Ortho–77®, Tronic®, Tecowet®, etc., to the chlorpyrifos solution at the labeled rate (usually ½ pint per 100 gallons of water).

2. Containerized Plants—Apply the bifenthrin or chlorpyrifos solution to the point of saturation one time only. The volume of the treating solution must be at least ⅕ (20%) of the volume of the container.

Precautions: Thorough saturation of the plant balls or containers with the insecticide solution is essential. Runoff of the solution from the treatment area should not be permitted. Excess solution (and used solution) must be disposed of in accordance with State and local regulations.

Method C—Topical Application

Apply bifenthrin according to the label instructions for topical application. The method may be used only with nursery stock in 3- and 4-quart containers. Penetration of the pesticide in larger containers does not provide sufficient residual activity.

Irrigate all treated containers with 1.5 inches of water following application.

Precautions: Runoff of the solution from the treatment area should not be permitted. Excess solution (and used solution) must be disposed of in accordance with State and local regulations.

Manufacture of the 10WP (wettable powder) formulation was discontinued in 1998; however, the EPA will allow this product to be utilized until supplies are exhausted.

Method D—Granular Incorporation (Bifenthrin)

Apply bifenthrin according to the label instructions for granular incorporation. Mix thoroughly to distribute product evenly throughout the soil or potting media. After potting, containers must be watered to the point of saturation.

Precautions: Saturation of the soil or potting media with the granular bifenthrin is essential. Water that drains from the treatment area, which may contain bifenthrin, must be disposed of in accordance with State and local laws.

Method E—Granular Incorporation (Tefluthrin)

Apply tefluthrin according to the label directions for granular incorporation. Mix thoroughly to distribute the granular tefluthrin evenly throughout the soil or potting media. After potting, containers must be watered to the point of saturation.

Precautions: Saturation of the soil or potting media with the tefluthrin is essential. Water that drains from the treatment area, which may contain tefluthrin, must be disposed of in accordance with State and local laws.

Method F—Granular Incorporation (Fipronil)

Apply fipronil according to the label instructions for granular incorporation. Mix thoroughly to distribute product evenly throughout the soil or potting media. After potting, containers must be watered to the point of saturation.

Precautions: Saturation of the soil or potting media with the granular fipronil is essential. Water that drains from the treatment area, which may contain fipronil, must be disposed of in accordance with State and local laws.

4. Imported-Fire-Ant-Free Nursery—Containerized Plants Only

This detection, control, exclusion, and enforcement program is designed to keep nurseries free of the imported fire ant and provides a basis to certify containerized nursery stock for interstate movement.

Participating regulated establishments must be operating under a compliance agreement. Such compliance agreements shall state the specific requirements that a shipper agrees to follow to move plants in accordance with the requirements of the program. Certificates and a nursery identification number may be issued to the nursery for use on shipments of regulated articles.

Detection

A successful treatment program depends upon early detection of imported fire ant colonies. Nursery owners are required to survey visually their entire premises twice monthly for the presence of imported fire ants.

Nurseries participating in this program will be inspected by Federal or State inspectors at least twice per year. More frequent inspections may be necessary depending upon imported fire ant infestation levels immediately surrounding the nursery, the thoroughness of nursery management in maintaining imported-fire-ant-free premises, and the number of previous detections of imported fire ants in or near containerized plants. Inspections by Federal and State inspectors should be more frequent just before and during the peak shipping season. Any nurseries determined during nursery inspections to have imported fire ant colonies must be immediately treated to the extent necessary to eliminate the colonies.

Control

Nursery plants that are shipped under this program must originate in a nursery free of imported fire ant. Nursery owners must implement a treatment program with registered bait and contact insecticides. The premises, including growing and holding areas, must be maintained free of the imported fire ant. As part of this treatment program, all exposed soil surfaces (including sod and mulched areas) on property where plants are grown, potted, stored, handled, loaded, unloaded, or sold must be treated with a broadcast application of hydramethylnon (AMDRO®), fenoxycarb (AWARD®), pyriproxyfen (Distance®), or methoprene (Extinguish®) baits at least once every six months. The first application is more effective when applied early in the spring. An early spring bait application provides control before alate queens are produced or have time to establish new colonies. Follow label directions for use.

When properly used, baits are between 80 percent and 90 percent effective. Follow-up treatments with a contact insecticide must be applied to eliminate all remaining colonies. Mound drench treatments with a registered formulation of chlorpyrifos or diazinon are approved. Follow label directions for use.

Exclusion

Bifenthrin

For plants grown on the premises: Treatment of potting media with granular, flowable, or wettable powder formulation of bifenthrin prior to planting is required. This treatment reduces the risk of infestation of containers by alate queens flying in from adjacent or nearby infested premises. The dosage rate for granular bifenthrin is variable and is determined by the certification period selected; for flowable bifenthrin it is 25 ppm; for wettable powder it is 25 ppm.

Apply this treatment according to the label instructions.

Mixing must be adequate to blend the required dosage of pesticide throughout the entire potting soil mixture.

For plants received from outside sources: To prevent the spread into a nursery free of the imported fire ant by newly introduced, infested nursery plants, all plants must be:

(a) Obtained from nurseries free of imported fire ant that are certified under a compliance agreement; or

(b) Treated with bifenthrin drench upon delivery in accordance with this appendix (III.C.3.b), and within 180 days be either:

(1) Repotted in treated potting soil media,

(2) Retreated with bifenthrin drench, immersion, or topical application (III.C.3.b) at 180-day intervals, or

(3) Shipped.

Tefluthrin

For plants grown on the premises: Treatment of soil or potting media with granular, flowable, tefluthrin prior to planting is permitted as an alternative to treatment with granular or wettable powder formulation of bifenthrin. This treatment reduces the risk of infestation of containers by alate queens flying in from adjacent or nearby infested premises. The dosage rate is variable, determined by the selected certification period, for the granular tefluthrin.

Apply this treatment according to the label directions.

Mixing must be adequate to blend the required dosage of granular tefluthrin throughout the entire soil or potting media.

Fipronil

For plants grown on the premises: Treatment of soil or potting media with granular fipronil prior to planting is permitted as an alternative to treatment with granular formulations of bifenthrin or tefluthrin. This treatment reduces the risk of infestation of containers by alate queens flying in from adjacent or nearby infested premises. The dosage rate is variable, determined by the selected certification period, for the granular fipronil.

Apply this treatment according to the label directions.

Mixing must be adequate to blend the required dosage of granular fipronil throughout the entire soil or potting media.

Enforcement

The nursery owner shall maintain records of the nursery's surveys and treatments for the imported fire ant. These records shall be made available to State and Federal inspectors upon request.

If imported fire ants are detected in nursery stock during an inspection by a Federal or State inspector, issuance of certificates for movement shall be suspended until necessary treatments are applied and the plants and nursery premises are determined to be free of the imported fire ant. A Federal or State inspector may declare a nursery to be free of the imported fire ant upon reinspection of the premises. This inspection must be conducted no sooner than 30 days after treatment to ensure its effectiveness. During this period, certification may be based upon the drench or immersion treatment provided in paragraph III.C.3. of this appendix, titled ''Plants—Balled or in Containers.''

Upon notification by the department of agriculture in any State of destination that a confirmed imported fire ant infestation was found on a shipment from a nursery considered free of the imported fire ant, the department of agriculture in the State of origin shall cease its certification of shipments from that nursery. An investigation by Federal or State inspectors will commence immediately to determine the probable source of the problem and to ensure that the problem is resolved. If the problem is an infestation, issuance of certification for movement on the basis of imported-fire-ant-free premises will be suspended until treatment and elimination of the infestation is completed. Reinstatement into the program will be granted upon determination that the nursery premises are free of the imported fire ant, and that all other provisions of this subpart are being followed.

In cases where the issuance of certificates is suspended through oral notification, the suspension and the reasons for the suspension will be confirmed in writing within 20 days of the oral notification of the suspension. Any person whose issuance of certificates has been suspended may appeal the decision, in writing, within 10 days after receiving the written suspension notice. The appeal must state all of the facts and reasons that the person wants the Administrator to consider in deciding the appeal. A hearing may be held to resolve any conflict as to any

material fact. Rules of practice for the hearing will be adopted by the Administrator. As soon as practicable, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision.

Violations of the quarantine shall be investigated by Federal or State inspectors and appropriate penalties will be assessed to discourage further violations.

This imported-fire-ant-free nursery program is not mandatory for movement of regulated articles. Plants, balled or in containers, may otherwise be certified for movement using the chlorpyrifos, bifenthrin, tefluthrin, or fipronil treatments described in paragraph III.C.3 of this appendix, titled ''Plants, Balled or in Containers.'' However, certification for movement under the imported-fire-ant-free nursery program will be granted only if all of the provisions of this subpart are followed.

Certification Period: Continuous as long as all provisions of the imported-fire-ant-free nursery program are followed.

5. Field-Grown Woody Ornamentals (In-Field Treatment Prior to Harvest)

Material: Chlorpyrifos used in combination with fenoxycarb (AWARD®), hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) fire ant bait.

Dosage: Fenoxycarb (AWARD®), hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) at 1.0–1.5 lb (0.45–0.68 kg) bait/acre. Chlorpyrifos at 6.0 lb (2.7 kg) a.i./acre.

Method: Apply fenoxycarb (AWARD®), hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) only when ants are actively foraging (follow EPA-approved label directions for use). Broadcast application with any type of equipment that can be calibrated to deliver 1.0–1.5 lb (0.45–0.68 kg) of bait per acre. Three to five days after the fenoxycarb (AWARD®), hydramethylnon (AMDRO®), or pyriproxyfen (Distance®) application, apply chlorpyrifos broadcast at 6.0 lb (2.7 kg) a.i. per acre. Treatment area must extend at least 10 feet beyond the base of all plants that are to be certified.

Exposure Period: 30 days. Plants can be certified 30 days after treatment.

Certification Period: 12 weeks.

Special Information: This in-field treatment is based on a sequential application of fenoxycarb (AWARD®), hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) followed by chlorpyrifos. The combination treatment is necessary since broadcast application of chlorpyrifos (or other short-term residual insecticides) usually does not eliminate large, mature IFA colonies, and no bait, including fenoxycarb (AWARD®) hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®), is capable of providing a residual barrier against reinfestation by new queens. Therefore, the fenoxycarb (AWARD®) hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) application will drastically reduce the IFA population while chlorpyrifos, applied approximately 5 days later, will destroy any remaining weakened colonies and also leave a residual barrier against reinfestation by new queens for at least 12 weeks.

6. Blueberries and Other Fruit and Nut Nursery Stocks

Certain States have special local need labeling in accordance with section 24(c) of FIFRA for D-z-n® Diazinon AG-500 and D-z-n® Diazinon 50W, which APHIS will recognize as a regulatory treatment for containerized nonbearing blueberries and fruit and nut plants. Follow label directions for use.

7. Plants—Greenhouse Grown

Greenhouse grown plants are certifiable without treatment if the inspector determines that the greenhouse is constructed of fiberglass, glass, or plastic in such a way that IFA is physically excluded and cannot become established within the enclosure. No other treatment of the plants will be necessary if they are not exposed to infestation.

8. Grass—Sod

Material

a. Chlorpyrifos.

Material	Amount and dosage of material	Certification period
Chlorpyrifos	8.0 lb (3.6 kg) a.i./acre	6 weeks (after exposure period has been completed).

Exposure Period: 48 hours.

Method

1. Apply a single broadcast application of chlorpyrifos with ground equipment.

2. Immediately after treatment, water the treated areas with at least ½ inch of water.

Chlorpyrifos wettable powder Dursban® 50–WP: Follow label directions for regulatory treatment for IFA.

b. Fipronil.

Material	Amount and dosage of material	Certification period
Fipronil	Dosage per application: 0.0125 lb (0.00567 kg) a.i./acre. Total amount over two applications: 0.025 lb (0.01134 kg) a.i./acre.	20 weeks (after exposure period has been completed).

Exposure Period: 30 days from the second application.

Method

1. Apply in two applications approximately 1 week apart for a total of 0.025 lb (0.01134 kg) a.i./acre.
2. Follow label directions for regulatory treatment for IFA.

9. Soil—Bulk

Method: Bulk soil is eligible for movement when heated either by dry or steam heat after all parts of the mass have been brought to the required temperature.
Temperature: 150 °F (65.5 °C).
Certification Period: As long as protected from recontamination.

10. Soil Samples

Soil samples are eligible for movement when heated or frozen as follows:

Heat

Method: Soil samples are heated either by dry heat or steam heat. All parts of the mass must be brought to the required temperature.
Temperature: 150 °F (65.5 °C).
Certification Period: As long as protected from recontamination.

Cold

Method: Soil samples are frozen in any commercial cold storage, frozen food locker, or home freezer capable of rapidly reducing to and maintaining required temperature. Soil samples will be placed in containers, such as plastic bags—one sample per bag. The containers will be arranged in the freezer in a manner to allow the soil samples to freeze in the fastest possible time. If desired, the frozen samples may be shipped in one carton.
Temperature: −10° to −20 °F (−23° to −29 °C) for at least 24 hours.
Certification Period: As long as protected from recontamination.

D. *Mitigative Measures.* The following measures are required to minimize impact on the environment and human health. Any person requesting certification to authorize the movement of regulated articles must adhere to these measures where applicable.

1. All applicable Federal, State, and local environmental laws and regulations must be followed.
2. Safety equipment and clothing, as specified by the label instructions, must be used and worn during treatments and during inspections.
3. Safety practices shall be communicated, and regulated establishment managers must require that on-the-job safety practices be followed.
4. All pesticides must be applied, handled, stored, and used in accordance with label instructions.
5. Empty pesticide containers must be disposed of in accordance with Federal and State regulations.
6. Pesticide remaining in containers after completion of an application must be retained and disposed of in accordance with label instructions and Federal and State regulations.
7. Oral or written warning must be provided to workers and the general public, indicating pesticide application areas during application and appropriate reentry periods.
8. Owners/managers of regulated properties must take precautions to limit access by the public, livestock, and wildlife to treated areas.
9. Accidental spill or water runoff of liquid or granular pesticides leading to potential contamination of ground and surface waters must be minimized by appropriate operating procedures. Catchment facilities (temporary or permanent) adequate to prevent contamination of ground and surface water are necessary in loading areas where liquid drenches and immersions are applied.
10. An environmental monitoring plan, including monitoring procedures, must be implemented by APHIS. Monitoring must be conducted to determine if additional mitigative measures are necessary.

[57 FR 57327, Dec. 4, 1992, as amended at 58 FR 57954, Oct. 28, 1993; 59 FR 48779, Sept. 23, 1994; 59 FR 67609, Dec. 30, 1994; 62 FR 30740, June 5, 1997; 64 FR 27659, May 21, 1999; 64 FR 57970, Oct. 28, 1999; 64 FR 60334, Nov. 5, 1999; 65 FR 30341, May 11, 2000; 67 FR 58685, Sept. 18, 2002; 68 FR 59308, Oct. 15, 2003]

Subpart—Unshu Oranges [Reserved]