§ 301.86–2 Regulated articles.

The following are regulated articles:

(a) Pale cyst nematodes.

(b) The following pale cyst nematode host crops:

- Eggplant (Solanum melongena L.)
- Pepper (Capsicum spp.)
- Potato (Solanum tuberosum L.)
- Tomatillo (Physalis philadelphica)
- Tomato (Lycopersicon esculentum L.)

(c) Root crops.

(d) Garden and dry beans (Phaseolus spp.) and peas (Pisum spp.).

(e) All nursery stock.

(f) Soil, compost, humus, muck, peat, and manure, and products on or in which soil is commonly found, including grass sod and plant litter.

(g) Hay, straw, and fodder.

(h) Any equipment or conveyance used in an infested or associated field that can carry soil if moved out of the field.

(i) Any other product, article, or means of conveyance not listed in paragraphs (a) through (h) of this section that an inspector determines presents a risk of spreading the pale cyst nematode, after the inspector provides written notification to the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.

§ 301.86–3 Quarantined areas.

(a) Designation of quarantined areas.

In accordance with the criteria listed in paragraph (c) of this section, the Administrator will designate as a quarantined area each field that has been found to be infested with pale cyst nematode, each field that has been found to be associated with an infested field, and any area that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from infested or associated fields. The Administrator will publish the description of the quarantined area on the Plant Protection and Quarantine Web site, http://www.aphis.usda.gov/
§ 301.86–4 Conditions governing the interstate movement of regulated articles from quarantined areas.

(a) Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with §§301.86–5 and 301.86–8;

(2) Without a certificate or limited permit if:

   (i) The regulated article is moved by the United States Department of Agriculture for experimental or scientific purposes; or

   (ii) The regulated article originates outside the quarantined area and is moved interstate through the quarantined area under the following conditions:

      (A) The points of origin and destination are indicated on a waybill accompanying the regulated article; and

      (B) The regulated article is moved through the quarantined area without stopping (except for refueling and for traffic conditions such as traffic lights and stop signs); and

   (C) The regulated article is not unpacked or unloaded in the quarantined area; and

(b) Designation of an area less than an entire State as a quarantined area. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the pale cyst nematode.

(c) Criteria for designation of fields as infested fields and associated fields. (1) Infested fields. The Administrator will designate a field as an infested field when a pale cyst nematode is found in the field.

(2) Associated fields. The Administrator will designate a field as an associated field when a field shares a border with an infested field; or

(i) The field came into contact with a regulated article within 10 years;

(ii) Within the last 10 years, the field was shared ownership, tenancy, seed, drainage, or other elements of shared cultural practices with an infested field that could allow spread of the pale cyst nematode, as determined by the Administrator.

(d) Removal of fields from quarantine—

(1) Infested fields. An infested field will be removed from quarantine when a protocol approved by the Administrator as sufficient to support removal of infested fields from quarantine has been completed and the field has been found to be free of pale cyst nematode.

(2) Associated fields. An associated field will be removed from quarantine when the field has been found to be free of pale cyst nematode according to a protocol approved by the Administrator as sufficient to support removal of associated fields from quarantine.

(3) Removal of other areas from quarantine. If the Administrator has quarantined any area other than infested or associated fields because of its inaccessibility for quarantine enforcement purposes from infested or associated fields, as provided in paragraph (a) of this section, that area will be removed from quarantine when the relevant infested or associated fields are removed from quarantine.

[72 FR 51984, Sept. 12, 2007, as amended at 74 FR 19381, Apr. 29, 2009]