

§ 301.92-2

7 CFR Ch. III (1-1-10 Edition)

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

Mulch. Bark chips, wood chips, wood shavings, or sawdust, or a mixture thereof, that could be used as a protective or decorative ground cover or as part of a growing media mixture.

Non-host nursery stock. Any taxa of nursery stock not listed in § 301.92-2 as a regulated or associated article.

Nursery. Any location where nursery stock is grown, propagated, stored, or sold, or any location from which nursery stock is distributed. Locations that grow trees for sale without roots (*e.g.*, as Christmas trees) are considered to be nurseries for the purposes of this subpart.

Nursery stock. All plants for planting, including houseplants, propagative material that is grown in a nursery, and tree seedlings for reforestation, except the following: Seeds; turf or sod; bulbs, tubers, corms, or rhizomes;² greenhouse grown cactus, succulents, and orchids; aquarium grown aquatic plants; greenhouse, container, or field grown palms; greenhouse, container, or field grown cycads, and tissue culture plants grown *in vitro*; and plants meeting the definition of forest stock.

Permit. A written authorization issued by APHIS to allow the interstate movement of restricted articles in accordance with part 330 of this chapter.

Person. Any association, company, corporation, firm, individual, joint stock company, partnership, society, or other entity.

Plant Protection and Quarantine. The Plant Protection and Quarantine program of the Animal and Plant Health Inspection Service, United States Department of Agriculture.

Quarantined area. Any State, or any portion of a State, listed in § 301.92-3(a)(3) of this subpart or otherwise designated as a quarantined area in accordance with § 301.92-3(a)(2) of this subpart.

²Bulbs, tubers, corms, or rhizomes are only considered nursery stock (and therefore, regulated under this subpart) if they are of plant taxa listed in § 301.92-2 as regulated articles or associated articles.

Regulated area. Any area listed in § 301.92-3(b) of this subpart.

Regulated article. Any article listed in § 301.92-2(b) of this subpart.

Restricted article. Any article listed in § 301.92-2(a) of this subpart.

Soil. The loose surface material of the earth in which plants grow, in most cases consisting of disintegrated rock with an admixture of organic material.

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

§ 301.92-2 Restricted, regulated, and associated articles; lists of proven hosts and associated plant taxa.

(a) *Restricted articles.* The following are restricted articles:

(1) Bark chips or mulch³ located in a quarantined area and that are proven host plant taxa listed in paragraph (d) of this section.

(2) Forest stock located or grown in a quarantined area and that are proven host plant taxa or associated plant taxa listed in paragraph (d) or (e) of this section.

(3) Any other product or article that an inspector determines to present a risk of spreading *Phytophthora ramorum*, if an inspector notifies the person in possession of the product or article that it is a restricted article.

(b) *Regulated articles.* The following are regulated articles:

(1) Nursery stock, decorative trees without roots, unprocessed wood and wood products, and plant products, including firewood, logs, lumber,⁴ wreaths, garlands, and greenery of proven host plant taxa listed in paragraph (d) of this section.

(2) Soil and growing media.

(3) Any other product or article that an inspector determines to present a risk of spreading *Phytophthora ramorum* if an inspector notifies the person in possession of the product or article

³Bark chips or mulch of species listed in paragraph (d) of this section and that are marked with an asterisk (*) are not restricted articles.

⁴Firewood, logs, and lumber of species listed in paragraph (d) of this section and that are marked with an asterisk (*) are not regulated articles.

that it is subject to the restrictions in the regulations.

(c) *Associated articles.* The following are associated articles: Nursery stock of associated plant taxa listed in paragraph (e) of this section.

(d) *Proven host plant taxa.* The following are proven hosts of *Phytophthora ramorum*:

**Acer macrophyllum* Bigleaf maple
Acer pseudoplatanus Planetree maple
 **Adiantum aleuticum* Western maidenhair fern
 **Adiantum jordanii* California maidenhair fern
 **Aesculus californica* California buckeye
Aesculus hippocastanum horse chestnut
 **Arbutus menziesii* Madrone
 **Arctostaphylos manzanita* Manzanita
 **Calluna vulgaris* Scotch heather
 **Camellia* spp. Camellia—all species, hybrids and cultivars
 **Castanea sativa* Sweet chestnut
Fagus sylvatica European beech
 **Frangula californica* (= *Rhamnus californica*) California coffeeberry
 **Frangula purshiana* (= *Rhamnus purshiana*) Cascara
Fraxinus excelsior European ash
 **Griselinia littoralis* Griselinia
 **Hamamelis virginiana* Witch hazel
 **Heteromeles arbutifolia* Toyon
 **Kalmia* spp. Kalmia—includes all species, hybrids, and cultivars
 **Laurus nobilis* Bay laurel
Lithocarpus densiflorus Tanoak
 **Lonicera hispidula* California honeysuckle
 **Maianthemum racemosum* (= *Smilacina racemosa*) False Solomon's seal
 **Michelia doltsopa* Michelia
 **Parrotia persica* Persian ironwood
 **Photinia fraseri* Red tip photinia
 **Pieris* spp. Pieris—includes all species, hybrids, and cultivars
 **Pseudotsuga menziesii* var. *menziesii* and all nursery-grown *P. menziesii* Douglas fir
Quercus agrifolia Coast live oak
Quercus cerris European turkey oak
Quercus chrysolepis Canyon live oak
Quercus falcata Southern red oak
 **Quercus ilex* Holm oak
Quercus kelloggii California black oak
Quercus parvula var. *shrevei* and all nursery grown *Q. parvula* Shreve's oak
 **Rhododendron* spp. Rhododendron (including azalea)—includes all species, hybrids, and cultivars
 **Rosa gymnocarpa* Wood rose
 **Salix caprea* Goat willow
 **Sequoia sempervirens* Coast redwood
 **Syringa vulgaris* Lilac
 **Taxus baccata* European yew
 **Trientalis latifolia* Western starflower
 **Umbellularia californica* California bay laurel, pepperwood, Oregon myrtle

**Vaccinium ovatum* Evergreen huckleberry
 **Viburnum* spp. Viburnum—all species, hybrids, and cultivars

(e) *Associated plant taxa.* The following plant taxa are considered to be associated with *Phytophthora ramorum*:

Abies concolor White fir
Abies grandis Grand fir
Abies magnifica Red fir
Acer circinatum Vine maple
Acer davidii Striped bark maple
Acer laevigatum Evergreen maple
Arbutus unedo Strawberry tree
Arctostaphylos columbiana Manzanita
Arctostaphylos uva-ursi Kinnikinnick, bearberry
Ardisia japonica Ardisia
Calycanthus occidentalis Spicebush
Castanopsis orthacantha Castanopsis
Ceanothus thyrsiflorus Blueblossom
Cinnamomum camphora Camphor tree
Clintonia andrewsiana Andrew's clintonia bead lily
Cornus kousa x *Cornus capitata* Cornus Norman Haddon
Corylus cornuta California hazelnut
Distylium myricoides Myrtle-leaved distylium
Drimys winteri Winter's bark
Dryopteris arguta California wood fern
Eucalyptus haemastoma Scribbly gum
Euonymus kiautschovicus Spreading euonymus
Fraxinus latifolia Oregon ash
Gaultheria shallon Salal, Oregon wintergreen
Hamamelis mollis Chinese witch-hazel
Hamamelis x *intermedia* (*H. mollis* & *H. japonica*) Hybrid witchhazel
Ilex purpurea Oriental holly
Leucothoe axillaris Fetter-bush, dog hobble
Leucothoe fontanesiana Drooping leucothoe
Loropetalum chinense Loropetalum
Magnolia grandiflora Southern magnolia
Magnolia stellata Star magnolia
Magnolia x *loebneri* Loebner magnolia
Magnolia x *soulangeana* Saucer magnolia
Manglietia insignis Red lotus tree
Michelia maudiae Michelia
Michelia wilsonii Michelia
Nerium oleander Oleander
Nothofagus obliqua Roble beech
Osmanthus decorus (= *Phillyrea decora*; = *P. vilmoriniana*) Osmanthus
Osmanthus delavayi Delavay Osmanthus, Delavay tea olive
Osmanthus fragrans Sweet olive
Osmanthus heterophyllus Holly olive
Osmorhiza berteroi Sweet Cicely
Parakmeria lotungensis Eastern joy lotus tree
Pittosporum undulatum Victorian box
Prunus laurocerasus English laurel, cherry laurel
Prunus lusitanica Portuguese laurel cherry
Pyracantha koidzumii Formosa firethorn
Quercus acuta Japanese evergreen oak
Quercus petraea Sessile oak

§ 301.92-3

7 CFR Ch. III (1-1-10 Edition)

- Quercus rubra* Northern red oak
- Rosa* (specific cultivars)
 - Royal Bonica (tagged: "MEImodac")
 - Pink Meidiland (tagged: "MEIpoque")
 - Pink Sevillana (tagged: "MEIgeroka")
- Rosa rugosa* Rugosa rose
- Rubus spectabilis* Salmonberry
- Schima wallichii* Chinese guger tree
- Taxus brevifolia* Pacific yew
- Taxus x media* Yew
- Torreya californica* California nutmeg
- Toxicodendron diversilobum* Poison oak
- Vancouveria planipetala* Redwood ivy

§ 301.92-3 Quarantined and regulated areas.

(a) *Quarantined areas.* (1) Except as otherwise provided in paragraph (a)(2) of this section, the Administrator will list as a quarantined area in paragraph (a)(3) of this section each State, or each portion of a State, in which *Phytophthora ramorum* has been confirmed by an inspector to be established in the natural environment, in which the Administrator has reason to believe that *Phytophthora ramorum* is present in the natural environment, or that the Administrator considers necessary to quarantine because of its inseparability for quarantine enforcement purposes from localities in which *Phytophthora ramorum* has been found in the natural environment. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

- (i) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated, restricted, and associated articles that are substantially the same as those imposed by this subpart on the interstate movement of regulated, restricted, and associated articles; and
- (ii) The designation of less than the entire State as a quarantined area will prevent the interstate spread of *Phytophthora ramorum*.

(2) The Administrator or an inspector may temporarily designate any non-quarantined area in a State as a quarantined area in accordance with paragraph (a)(1) of this section. The Administrator will give a copy of this regulation along with a written notice for the temporary designation to the owner or person in possession of the nonquarantined area. Thereafter, the interstate movement of any regulated, restricted, or associated article from an area tem-

porarily designated as a quarantined area will be subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (a)(3) of this section or the designation will be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(3) The following areas are designated as quarantined areas:

CALIFORNIA

- Alameda County.* The entire county.
- Contra Costa County.* The entire county.
- Humboldt County.* The entire county.
- Lake County.* The entire county.
- Marin County.* The entire county.
- Mendocino County.* The entire county.
- Monterey County.* The entire county.
- Napa County.* The entire county.
- San Francisco County.* The entire county.
- San Mateo County.* The entire county.
- Santa Clara County.* The entire county.
- Santa Cruz County.* The entire county.
- Solano County.* The entire county.
- Sonoma County.* The entire county.

OREGON

Curry County. That portion of the county as follows: In T. 39 S., R. 13 W., secs. 32, 33, and 34; T. 40 S., R. 13 W., secs. 3, 4, 5, 8, 9, 10, southeast quarter of sec. 11, southwest quarter of sec. 12, northwest quarter of sec. 13, northeast quarter of secs. 14, 15, 16, and 17, east half of sec. 18, east half of secs. 19, 20, 21, 22, 28, and 29, northeast quarter of secs. 30, 32, 33, and 34; T. 40 S., R. 14 W., southeast quarter of sec. 23, southwest quarter of sec. 24, northwest quarter of sec. 25, and the northeast quarter of sec. 26.

(b) *Regulated areas.* The following areas are designated as regulated areas:

CALIFORNIA

All counties in the State not listed in paragraph (a) of this section as quarantined areas.

OREGON

All areas in the State not listed in paragraph (a) of this section as quarantined areas.

WASHINGTON

The entire State.