

§ 340.2

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

*Stably integrated.* The cloned genetic material is contiguous with elements of the recipient genome and is replicated exclusively by mechanisms used by recipient genomic DNA.

*State.* Any State, the District of Columbia, American Samoa, Guam, Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and any other Territories or Districts of the United States.

*State regulatory official.* State official with responsibilities for plant health, or any other duly designated State official, in the State where the introduction is to take place.

*United States.* All of the States.

*Vector or vector agent.* Organisms or objects used to transfer genetic material from the donor organism to the recipient organism.

*Well-characterized and contains only non-coding regulatory regions* (e.g. operators, promoters, origins of replication, terminators, and ribosome binding regions). The genetic material added to a microorganism in which the following can be documented about such genetic material: (a) The exact nucleotide base sequence of the regulatory region and any inserted flanking nucleotides; (b) The regulatory region and any inserted flanking nucleotides do not code for protein or peptide; and (c) The regulatory region solely controls the activity of other sequences that code for protein or peptide molecules or act as recognition sites for the initiation of nucleic acid or protein synthesis.

[52 FR 22908, June 16, 1987, as amended at 53 FR 12913, Apr. 20, 1988; 55 FR 53276, Dec. 28, 1990; 58 FR 17056, Mar. 31, 1993; 62 FR 23956, May 2, 1997]

**§ 340.2 Groups of organisms which are or contain plant pests and exemptions.**

(a) *Groups of organisms which are or contain plant pests.* The organisms that are or contain plant pests are included in the taxa or group of organisms contained in the following list. Within any taxonomic series included on the list, the lowest unit of classification actually listed is the taxon or group which may contain organisms which are regulated. Organisms belonging to all lower taxa contained within the group listed are included as organisms that may be

or may contain plant pests, and are regulated if they meet the definition of plant pest in § 340.1<sup>4</sup>

NOTE: Any genetically engineered organism composed of DNA or RNA sequences, organelles, plasmids, parts, copies, and/or analogs, of or from any of the groups of organisms listed below shall be deemed a regulated article if it also meets the definition of plant pest in § 340.1.

GROUP

VIROIDS

*Superkingdom Prokaryotae*

*Kingdom Virus*

All members of groups containing plant viruses, and all other plant and insect viruses

*Kingdom Monera*

DIVISION BACTERIA

Family Pseudomonadaceae

- Genus Pseudomonas
- Genus Xanthomonas

Family Rhizobiaceae

- Genus Rhizobium
- Genus Bradyrhizobium
- Genus Agrobacterium
- Genus Phyllobacterium

Family Enterobacteriaceae

- Genus Erwinia

Family Streptomycetaceae

- Genus Streptomyces

Family Actinomycetaceae

- Genus Actinomyces

Coryneform group

- Genus Clavibacter
- Genus Arthrobacter
- Genus Curtobacterium
- Genus Corynebacteria

<sup>4</sup>Any organism belonging to any taxa contained within any listed genera or taxa is only considered to be a plant pest if the organism "can directly or indirectly injure, or cause disease, or damage in any plants or parts thereof, or any processed, manufactured, or other products of plants." Thus a particular unlisted species within a listed genus would be deemed a plant pest for purposes of § 340.2, if the scientific literature refers to the organism as a cause of direct or indirect injury, disease, or damage to any plants, plant parts or products of plants. (If there is any question concerning the plant pest status of an organism belonging to any listed genera or taxa, the person proposing to introduce the organism in question should consult with APHIS to determine if the organism is subject to regulation.)

**Animal and Plant Health Inspection Service, USDA**

**§ 340.2**

Gram-negative phloem-limited bacteria associated with plant diseases  
Gram-negative xylem-limited bacteria associated with plant diseases  
And all other bacteria associated with plant or insect diseases  
Rickettsiaceae  
Rickettsial-like organisms associated with insect diseases

Class Mollicutes

Order Mycoplasmatales  
Family Spiroplasmataceae  
Genus Spiroplasma  
Mycoplasma-like organisms associated with plant diseases  
Mycoplasma-like organisms associated with insect diseases

*Superkingdom Eukaryotae*

*Kingdom Plantae*

*Subkingdom Thallobionta*

Division Chlorophyta

Genus Cephaleuros  
Genus Rhodochytrium  
Genus Phyllosiphon

Division Myxomycota

Class Plasmodiophoromycetes

Division Eumycota

Class Chytridiomycetes

Order Chytridiales

Class Oomycetes

Order Lagenidiales  
Family Lagenidiaceae  
Family Olpidiopsidaceae  
Order Peronosporales  
Family Albuginaceae  
Family Peronosporaceae  
Family Pythiaceae  
Order Saprolegniales  
Family Saprolegniaceae  
Family Leptolegnellaceae

Class Zygomycetes

Order Mucorales  
Family Choanephoraceae  
Family Mucoraceae  
Family Entomophthoraceae

Class Hemiascomycetes

Family Protomycetaceae  
Family Taphrinaceae

Class Loculoascomycetes

Order Myriangiales  
Family Elsinoeaceae  
Family Myriangiaceae  
Order Asterinales  
Order Dothideales

Order Chaetothyriales  
Order Hysteriales  
Family Parmulariaceae  
Family Phillippsiellaceae  
Family Hysteriaceae  
Order Pleosporales  
Order Melanommatales

Class Plectomycetes

Order Eurotiales  
Family Ophiostomataceae  
Order Ascopherales

Class Pyrenomycetes

Order Erysiphales  
Order Meliolales  
Order Xylariales  
Order Diaporthales  
Order Hypocreales  
Order Clavicipitales

Class Discomycetes

Order Phacidiales  
Order Helotiales  
Family Ascocorticaceae  
Family Hemiphaciidiaceae  
Family Dermataceae  
Family Sclerotiniaceae  
Order Cyttariales  
Order Medeolariales  
Order Pezziales  
Family Sarcosomataceae  
Family Sarcoscyphaceae

Class Teliomycetes

Class Phragmobasidiomycetes

Family Auriculariaceae  
Family Ceratobasidiaceae

Class Hymenomycetes

Order Exobasidiales  
Order Agaricales  
Family Corticiaceae  
Family Hymenochaetaceae  
Family Echinodontiaceae  
Family Fistulinaceae  
Family Clavariaceae  
Family Polyporaceae  
Family Tricholomataceae

Class Hyphomycetes

Class Coelomycetes

And all other fungi associated with plant or insect diseases

*Subkingdom Embryobionta*

NOTE: *Organisms listed in the Code of Federal Regulations as noxious weeds are regulated under the Federal Noxious Weed Act*

Division Magnoliophyta

Family Balanophoraceae—parasitic species

§ 340.2

Family Cuscutaceae—parasitic species  
Family Hydnoraceae—parasitic species  
Family Krameriaceae—parasitic species  
Family Lauraceae—parasitic species  
Genus *Cassytha*  
Family Lennoaceae—parasitic species  
Family Loranthaceae—parasitic species  
Family Myzodendraceae—parasitic species  
Family Olacaceae—parasitic species  
Family Orobanchaceae—parasitic species  
Family Rafflesiaceae—parasitic species  
Family Santalaceae—parasitic species  
Family Scrophulariaceae—parasitic species  
Genus *Alectra*  
Genus *Bartsia*  
Genus *Buchnera*  
Genus *Buttonia*  
Genus *Castilleja*  
Genus *Centranthera*  
Genus *Cordylanthus*  
Genus *Dasistoma*  
Genus *Euphrasia*  
Genus *Gerardia*  
Genus *Harveya*  
Genus *Hyobanche*  
Genus *Lathraea*  
Genus *Melampyrum*  
Genus *Melasma*  
Genus *Orthantha*  
Genus *Orthocarpus*  
Genus *Pedicularis*  
Genus *Rhamphicarpa*  
Genus *Rhinanthus*  
Genus *Schwalbea*  
Genus *Seymeria*  
Genus *Siphonostegia*  
Genus *Sopubia*  
Genus *Striga*  
Genus *Tozzia*  
Family Viscaceae—parasitic species

*Kingdom Animalia*

*Subkingdom Protozoa*

Genus *Phytomonas*

And all Protozoa associated with insect diseases

*Subkingdom Eumetazoa*

PHYLUM NEMATODA

CLASS SECERNENTEA

Order Tylenchida  
Family Anguinidae  
Family Belonolaimidae  
Family Caloosiidae  
Family Criconematidae  
Family Dolichodoridae  
Family Fergusubiidae  
Family Hemicycliophoridae  
Family Heteroderidae  
Family Hoplolaimidae  
Family Meloidogynidae  
Family Nacobbidae  
Family Neotylenchidae  
Family Nothotylenchidae

7 CFR Ch. III (1–10 Edition)

Family Paratylenchidae  
Family Pratylenchidae  
Family Tylenchidae  
Family Tylenchulidae  
Order Aphelenchida  
Family Aphelenchoididae

CLASS ADENOPHOREA

Order Dorylaimida  
Family Longidoridae  
Family Trichodoridae

PHYLUM MOLLUSCA

CLASS GASTROPODA

Subclass Pulmonata  
Order Basommatophora  
Superfamily Planorbacea  
Order Stylommatophora  
Subfamily Strophocheilacea  
Family Succineidae  
Superfamily Achatinacae  
Superfamily Arionacae  
Superfamily Limacacea  
Superfamily Helicacea  
Order Systellommatophora  
Superfamily Veronicellacea

Phylum Arthropoda

Class Arachnida

Order Parasitiformes  
Suborder Mesostigmata  
Superfamily Ascoidea  
Superfamily Dermanyossoidea  
Order Acariformes  
Suborder Prostigmata  
Superfamily Eriophyoidea  
Superfamily Tetranychidae  
Superfamily Eupodoidea  
Superfamily Tydeoidea  
Superfamily Erythraeonoidea  
Superfamily Trombidioidea  
Superfamily Hydryphantoidea  
Superfamily Tarsonemoidea  
Superfamily Pyemotoidea  
Suborder Astigmata  
Superfamily Hemisarcoptoidea  
Superfamily Acaroidea

Class Diplopoda

Order Polydesmida

Class Insecta

Order Collembola  
Family Sminthoridae  
Order Isoptera  
Order Thysanoptera  
Order Orthoptera  
Family Acrididae  
Family Gryllidae  
Family Gryllacrididae  
Family Gryllotalpidae  
Family Phasmatidae  
Family Ronaleidae  
Family Tettigoniidae

Family Tetrigidae  
 Order Hemiptera  
 Family Thaumastocoridae  
 Family Aradidae  
   Superfamily Piesmatoidea  
   Superfamily Lygaeoidea  
   Superfamily Idiostoloidea  
   Superfamily Coreoidea  
   Superfamily Pentatomoidea  
   Superfamily Pyrrhocoroidea  
   Superfamily Tingoidea  
   Superfamily Miroidea  
 Order Homoptera  
 Order Coleoptera  
 Family Anobiidae  
 Family Apionidae  
 Family Anthribidae  
 Family Bostrichidae  
 Family Brentidae  
 Family Bruchidae  
 Family Buprestidae  
 Family Byturidae  
 Family Cantharidae  
 Family Carabidae  
 Family Cerambycidae  
 Family Chrysomelidae  
 Family Coccinellidae  
   Subfamily Epilachninae  
 Family Curculionidae  
 Family Dermestidae  
 Family Elateridae  
 Family Hydrophilidae  
   Genus Helophorus  
 Family Lyctidae  
 Family Meloidea  
 Family Mordellidae  
 Family Platypodidae  
 Family Scarabaeidae  
   Subfamily Melolonthinae  
   Subfamily Rutelinae  
   Subfamily Cetoniinae  
   Subfamily Dynastinae  
 Family Scolytidae  
 Family Selbytidae  
 Family Tenebrionidae  
 Order Lepidoptera  
 Order Diptera  
 Family Agromyzidae  
 Family Anthomyiidae  
 Family Cecidomyiidae  
 Family Chloropidae  
 Family Ephydriidae  
 Family Lonchaeidae  
 Family Muscidae  
   Genus Atherigona  
 Family Otitidae  
   Genus Euxeta  
 Family Syrphidae  
 Family Tephritidae  
 Family Tipulidae  
 Order Hymenoptera  
 Family Apidae  
 Family Caphidae  
 Family Chalcidae  
 Family Cynipidae  
 Family Eurytomidae  
 Family Formicidae

Family Psilidae  
 Family Siricidae  
 Family Tenthredinidae  
 Family Torymidae  
 Family Xylocopidae

Unclassified organisms and/or organisms whose classification is unknown.

(b) *Exemptions.* (1) A limited permit for interstate movement shall not be required for genetic material from any plant pest contained in *Escherichia coli* genotype K-12 (strain K-12 and its derivatives), sterile strains of *Saccharomyces cerevisiae*, or asporogenic strains of *Bacillus subtilis*, provided that all the following conditions are met:

(i) The microorganisms are shipped in a container that meets the requirements of § 340.8(b)(3);

(ii) The cloned genetic material is maintained on a nonconjugation proficient plasmid and the host does not contain other conjugation proficient plasmids or generalized transducing phages;

(iii) The cloned material does not include the complete infectious genome of a known plant pest;

(iv) The cloned genes are not carried on an expression vector if the cloned genes code for:

(A) A toxin to plants or plant products, or a toxin to organisms beneficial to plants; or

(B) Other factors directly involved in eliciting plant disease (*i.e.*, cell wall degrading enzymes); or

(C) Substances acting as, or inhibitory to, plant growth regulators.

(2) A limited permit for interstate movement is not required for genetic material from any plant pest contained in the genome of the plant *Arabidopsis thaliana*, provided that all of the following conditions are met:

(i) The plants or plant materials are shipped in a container that meets the requirements of § 340.8(b) (1), (2), and (3);

(ii) The cloned genetic material is stably integrated into the plant genome;

(iii) The cloned material does not include the complete infectious genome of a known plant pest.

[52 FR 22908, June 16, 1987, as amended at 53 FR 12913, Apr. 20, 1988; 55 FR 53276, Dec. 28, 1990; 58 FR 17056, Mar. 31, 1993]