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cancellation and the reasons for the cancellation will be confirmed in writing within 20 days of oral notification. Any person whose compliance agreement has been canceled may appeal the decision, in writing, to the Administrator within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. A hearing will be held to resolve any conflict as to any material fact. The Administrator shall adopt rules of practice for the hearing. An appeal shall be granted or denied, in writing, as promptly as circumstances allow, and the reasons for the decision shall be stated. The compliance agreement will remain canceled pending the decision on the appeal.

[61 FR 32641, June 25, 1996]

Subpart—Pine Shoot Beetle

SOURCE: 57 FR 54496, Nov. 19, 1992, unless otherwise noted.

§ 301.50 Restrictions on interstate movement of regulated articles.

Regulated articles may be moved interstate from any quarantined area only in accordance with this subpart.[1]

[57 FR 54496, Nov. 19, 1992, as amended at 58 FR 6347, Jan. 28, 1993; 66 FR 21051, Apr. 27, 2001]

§ 301.50–1 Definitions.

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

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

Certificate. A document in which an inspector, or person operating under a compliance agreement, affirms that a specified regulated article is free of pine shoot beetle and may be moved interstate to any destination.

Compliance agreement. A written agreement between APHIS and a person engaged in growing, handling, or moving regulated articles, in which the person agrees to comply with the provisions of this subpart.

Infestation. The presence of the pine shoot beetle or the existence of circumstances that make it reasonable to believe that the pine shoot beetle is present.

Inspector. Any employee of the Animal and Plant Health Inspection Service, or other individual, authorized by the Administrator to enforce this subpart.

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

Limited permit (permit). A document in which an inspector, or person operating under a compliance agreement, affirms that the regulated article identified on the document is eligible for interstate movement in accordance with § 301.50–5(b) of this subpart only to a specified destination and only in accordance with specified conditions.

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.

Pine bark products. Pieces of pine bark including bark chips, bark nuggets, bark mulch and bark compost.

Pine nursery stock. All *Pinus* spp. woody plants, shrubs, and rooted trees, including dug (balled and burlaped) Christmas trees, and ornamental pine, such as bonsai.

Pine shoot beetle. The insect known as pine shoot beetle, *Tomicus piniperda* (Linnaeus), in any stage of development.

Quarantined area. Any State, or any portion of a State, listed in § 301.50–3(c) of this subpart or otherwise designated as a quarantined area in accordance with § 301.50–3(b) of this subpart.

Regulated article. Any article listed in § 301.50–2 (a) or (b) of this subpart or

[1] 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).

otherwise designated as a regulated article in accordance with § 301.50–2(c) of this subpart.

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

[57 FR 54496, Nov. 19, 1992, as amended at 58 FR 6347, Jan. 28, 1993; 71 FR 13925, Mar. 20, 2006]

§ 301.50–2 Regulated articles.

The following are regulated articles:

(a) Pine products (*Pinus* spp.), as follows: Bark products; Christmas trees; logs with bark attached; lumber with bark attached; nursery stock; raw pine materials for pine wreaths and garlands; and stumps.

(b) Any article, product, or means of conveyance not covered by paragraph (a) of this section, that presents a risk of spread of the pine shoot beetle and that an inspector notifies the person in possession of it is subject to the restrictions of this subpart.

[57 FR 54496, Nov. 19, 1992, as amended at 60 FR 55778, Nov. 3, 1995; 65 FR 51518, Aug. 24, 2000; 71 FR 13925, Mar. 20, 2006]

§ 301.50–3 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 the pine shoot beetle has been found by an inspector, in which the Administrator has reason to believe that the pine shoot beetle is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the pine shoot beetle has been found. 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 a quarantine and regulations that impose restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed by this subpart on the interstate movement of these articles; and

(2) The designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the pine shoot beetle.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section. The Administrator will give a copy of this regulation along with a written notice of this temporary designation to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) 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.

(c) The areas described below are designated as quarantined areas:

CONNECTICUT

The entire State.

ILLINOIS

Boone County. The entire county.
Bureau County. The entire county.
Carroll County. The entire county.
Champaign County. The entire county.
Christian County. The entire county.
Clark County. The entire county.
Coles County. The entire county.
Cook County. The entire county.
De Kalb County. The entire county.
De Witt County. The entire county.
Douglas County. The entire county.
Du Page County. The entire county.
Edgar County. The entire county.
Ford County. The entire county.
Grundy County. The entire county.
Henry County. The entire county.
Iroquois County. The entire county.
Jo Daviess County. The entire county.
Kane County. The entire county.
Kankakee County. The entire county.
Kendall County. The entire county.
La Salle County. The entire county.
Lake County. The entire county.
Lee County. The entire county.
Livingston County. The entire county.
Macon County. The entire county.
Marshall County. The entire county.
Mason County. The entire county.
McHenry County. The entire county.
McLean County. The entire county.
Moultrie County. The entire county.