

*Compliance agreement.* A written agreement between a person engaged in growing, handling, or moving regulated articles, and the Plant Protection and Quarantine Programs, wherein the former agrees to comply with the requirements of this subpart identified in the agreement by the inspector who executes the agreement on behalf of the Plant Protection and Quarantine Programs as applicable to the operations of such person.

*Deputy Administrator.* The Deputy Administrator of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or any other officer or employee of said Service to whom authority to act in his stead has been or may hereafter be delegated.

*Generally infested area.* Any part of a regulated area not designated as a suppressive area in accordance with § 301.52-2.

*Infestation.* The presence of the pink bollworm or the existence of circumstances that make it reasonable to believe that pink bollworm is present.

*Inspector.* Any employee of the Plant Protection and Quarantine Programs, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, or other person authorized by the Deputy Administrator to enforce the provisions of the quarantine and regulations in this subpart.

*Interstate.* From any State, territory, or district of the United States into or through any other State, territory, or district of the United States (including Puerto Rico).

*Limited permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of noncertified regulated articles to a specified destination for limited handling, utilization, or processing or for treatment.

*Moved (movement, move).* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any means. "Movement" and "move" shall be construed accordingly.

*Person.* Any individual, corporation, company, society, or association, or

other organized group of any of the foregoing.

*Pink bollworm.* The live insect known as the pink bollworm of cotton (*Pectinophora gossypiella* Saund.), in any stage of development.

*Regulated area.* Any quarantined State, territory, or district, or any portion thereof, listed as a regulated area in § 301.52-2a by the Deputy Administrator in accordance with § 301.52-2(a).

*Regulated articles.* Any articles described in § 301.52(b).

*Restricted destination permit.* A document issued or authorized to be issued by an inspector to allow the interstate movement of regulated articles not certified under all applicable Federal domestic plant quarantines to a specified destination for other than scientific purposes.

*Scientific permit.* A document issued by the Deputy Administrator to allow the interstate movement to a specified destination of regulated articles for scientific purposes.

*Suppressive area.* That part of a regulated area where eradication of infestation is undertaken as an objective, as designated by the Deputy Administrator under § 301.52-2(a).

[32 FR 16385, Nov. 30, 1967, as amended at 35 FR 2859, Feb. 12, 1970; 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972; 52 FR 26943, July 17, 1987; 67 FR 34818, May 16, 2002; 70 FR 33268, June 7, 2005]

**§ 301.52-2 Authorization for Deputy Administrator to list regulated areas and suppressive or generally infested areas.**

The Deputy Administrator shall publish and amend from time to time as the facts warrant, the following lists:

(a) *List of regulated areas and suppressive or generally infested areas.* The Deputy Administrator shall list as regulated areas in a supplemental regulation designated as § 301.52-2a, the quarantined States, territories, or districts, or portions thereof, in which pink bollworm has been found or in which there is reason to believe that pink bollworm is present, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. The Deputy Administrator, in the

§ 301.52-2a

7 CFR Ch. III (1-1-11 Edition)

supplemental regulation, may divide any regulated area into a suppressive area and a generally infested area in accordance with the definitions thereof in §301.52-1. Less than an entire quarantined State, territory, or district will be designated as a regulated area only if the Deputy Administrator is of the opinion that:

(1) The State, territory, or district has adopted and is enforcing a quarantine or regulations which imposes restrictions on the intrastate movement of the regulated articles which are substantially the same as those which are imposed with respect to the interstate movement of such articles under this subpart; and

(2) The designation of less than the entire State, territory, or district, as a regulated area will otherwise be adequate to prevent the interstate spread of the pink bollworm.

[32 FR 16385, Nov. 30, 1967, as amended at 52 FR 26943, July 17, 1987]

§ 301.52-2a Regulated areas; suppressive and generally infested areas.

The civil divisions and part of civil divisions described below are designated as pink bollworm regulated areas within the meaning of the provisions of this subpart; and such regulated areas are hereby divided into generally infested areas or suppressive areas as indicated below.

ARIZONA

- (1) Generally infested area. Entire State.
(2) Suppressive area. None.

CALIFORNIA

- (1) Generally infested area. Imperial County. The entire county. Inyo County. The entire county. Los Angeles County. The entire county. Orange County. The entire county. Riverside County. The entire county. San Bernardino County. The entire county. San Diego County. The entire county. (2) Suppressive area. Fresno County. The entire county. Kern County. The entire county. Kings County. The entire county. Madera County. The entire county. Merced County. The entire county. San Benito County. The entire county. Tulare County. The entire county.

NEW MEXICO

- (1) Generally infested area. Entire State.

- (2) Suppressive area. None.

TEXAS

- (1) Generally infested area. Entire State.
(2) Suppressive area. None.

[42 FR 13533, Mar. 11, 1977]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §301.52-2a, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 301.52-3 Conditions governing the interstate movement of regulated articles from quarantined States. 2

Any regulated articles may be moved interstate from any quarantined State under the following conditions:

(a) From any regulated area, with certificate or permit issued and attached in accordance with §§301.52-4 and 301.52-7 if moved:

(1) From any regulated area into or through any point outside of the regulated areas; or

(2) From any generally infested area into or through any suppressive area; or

(3) Between any noncontiguous suppressive areas; or

(4) Between contiguous suppressive areas when it is determined by the inspector that the regulated articles present a hazard of the spread of the pink bollworm and the person in possession thereof has been so notified; or

(b) From any regulated area, without certificate or permit if moved;

(1) From a generally infested area to a contiguous generally infested area; or

(2) From a suppressive area to a contiguous generally infested area; or

(3) Between contiguous suppressive areas unless the person in possession of the articles has been notified by an inspector that a hazard of spread of the pink bollworm exists; or

(4) Through or reshipped from any regulated area if the articles originated outside of any regulated area and if the point of origin of the articles is clearly indicated, their identity has been maintained and they have been safeguarded against infestation while in the regulated area in a manner satisfactory to the inspector; or

2Requirements under all other applicable Federal domestic plant quarantines must also be met.