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Departmental permit. A document issued by the Administrator in which he or she affirms that interstate movement of the regulated article identified on the document is for scientific or experimental purposes and that the regulated article is eligible for interstate movement in accordance with §301.86–4.

Field. A defined production site that is managed separately from surrounding areas for phytosanitary purposes.

Infestation (infested). The presence of the pale cyst nematode or the existence of circumstances that makes it reasonable to believe that the pale cyst nematode is present.

Infested field. A field that has been found to be infested with pale cyst nematode in accordance with §301.86–3(c)(1).

Inspector. Any employee of APHIS or other person authorized by the Administrator to perform the duties required under this subpart.

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

Limited 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 §301.86–5(b) only to a specified destination and only in accordance with specified conditions.

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

Nursery stock. Living plants and plant parts intended to be planted, to remain planted, or to be replanted.

Pale cyst nematode. The pale cyst nematode (Globodera pallida), in any stage of development.

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 portion of a State designated as a quarantined area in accordance with the provisions in §301.86–3.

Regulated article. Any article listed in §301.86–2 or otherwise designated as a regulated article in accordance with §301.86–2(i).

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

§ 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.

(1) 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

2 Permits and other requirements for the interstate movement of pale cyst nematodes are contained in part 330 of this chapter.
§ 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 field shares a border with an infested field; or
   (ii) The field came into contact with a regulated article listed in § 301.86–2 from an infested field within the last 10 years; or
   (iii) Within the last 10 years, the field shared ownership, tenancy, seed, drainage or runoff, farm machinery, 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.

(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 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 pale cyst nematode host crops, as listed in § 301.86–2(b), have been grown in the field in the last 10 years and

   (i) The field shares a border with an infested field; or
   (ii) The field came into contact with a regulated article listed in § 301.86–2 from an infested field within the last 10 years; or
   (iii) Within the last 10 years, the field shared ownership, tenancy, seed, drainage or runoff, farm machinery, 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 inseparability 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)