

to comply with the conditions of the agreement. As soon as possible after such cancellation, such party shall be notified in writing by the Deputy Administrator or an inspector of the reason therefor and afforded reasonable opportunity to present views thereon, and if there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

[35 FR 10553, June 30, 1970, as amended at 36 FR 24917, Dec. 24, 1971; 41 FR 27374, July 2, 1976]

§ 301.80-6 Assembly and inspection of regulated articles.

Persons (other than those authorized to use certificates, limited permits, or restricted destination permits, or reproductions thereof, under § 301.80-4(e)) who desire to move interstate regulated articles which must be accompanied by a certificate or permit shall, as far in advance as possible, request an inspector to examine the articles prior to movement. Such articles shall be assembled at such points and in such a manner as the inspector designates to facilitate inspection.

[35 FR 10553, June 30, 1970, as amended at 36 FR 24917, Dec. 24, 1971; 41 FR 27374, July 2, 1976]

§ 301.80-7 Attachment and disposition of certificates or permits.

(a) If a certificate or permit is required for the interstate movement of regulated articles, the certificates or permit shall be securely attached to the outside of the container in which such articles are moved except that, where the certificate or permit is attached to the waybill or other shipping document, and the regulated articles are adequately described on the certificate, permit or shipping document, the attachment of the certificate or permit to each container of the articles is not required.

(b) In all cases, certificates or permits shall be furnished by the carrier to the consignee at the destination of the shipment.

[35 FR 10553, June 30, 1970, as amended at 36 FR 24917, Dec. 24, 1971]

§ 301.80-8 Inspection and disposal of regulated articles and pests.

Any properly identified inspector is authorized to stop and inspect, and to seize, destroy, or otherwise dispose of, or require disposal of regulated articles and witchweed as provided in sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754), in accordance with instructions issued by the Deputy Administrator.

[35 FR 10553, June 30, 1970, as amended at 36 FR 24917, Dec. 24, 1971; 41 FR 27374, July 2, 1976; 66 FR 21052, Apr. 27, 2001]

§ 301.80-9 Movement of witchweed.

Regulations requiring a permit for, and otherwise governing the movement of witchweed in interstate or foreign commerce are contained in the Federal plant pest regulations in part 330 of this chapter. Applications for permits for the movement of the pest may be made to the Deputy Administrator.

[35 FR 10553, June 30, 1970, as amended at 36 FR 24917, Dec. 24, 1971]

§ 301.80-10 Nonliability of the Department.

The U.S. Department of Agriculture disclaims liability for any costs incident to inspections or compliance with the provisions of the quarantine and regulations in this subpart, other than for the services of the inspector.

[35 FR 10553, June 30, 1970, as amended at 36 FR 24917, Dec. 24, 1971]

Subpart—Imported Fire Ant

SOURCE: 57 FR 57327, Dec. 4, 1992, unless otherwise noted.

QUARANTINE AND REGULATIONS

§ 301.81 Restrictions on interstate movement of regulated articles.

No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.

§ 301.81-1 Definitions.

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

Animal and Plant Health Inspection Service. The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture (APHIS).

Certificate. A document in which an inspector or a person operating under a compliance agreement affirms that a specified regulated article meets the requirements of this subpart 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 that are moved interstate, in which the person agrees to comply with the provisions of this subpart and any conditions imposed under this subpart.

Imported fire ant. Living imported fire ants of the species *Solenopsis invicta* Buren and *Solenopsis richteri* Forel, and hybrids of these species.

Infestation (infested). The presence of an imported fire ant queen or a reproducing colony of imported fire ants, except that on grass sod and plants with roots and soil attached, an infestation is the presence of any life form of the imported fire ant.

Inspector. An APHIS employee or other person authorized by the Administrator to enforce the provisions of this subpart.

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

Limited permit. A document in which an inspector affirms that a specified regulated article not eligible for a certificate is eligible for interstate movement only to a specified destination and in accordance with conditions specified on the permit.

Movement (moved). The act of shipping, transporting, delivering, or receiving for movement, or otherwise aiding, abetting, inducing or causing to be moved.

Noncompacted soil. Soil that can be removed from an article by brisk brushing or washing with water under normal city water pressure (at least 4 gallons per minute at 40 to 50 pounds per square inch through a 1/2-inch orifice).

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

Reproducing colony. A combination of one or more imported fire ant workers and one or more of the following immature imported fire ant forms: Eggs, larvae, or pupae.

Soil. Any non-liquid combination of organic and/or inorganic material in which plants can grow.

Soil-moving equipment. Equipment used for moving or transporting soil, including, but not limited to, bulldozers, dump trucks, or road scrapers.

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

§ 301.81-2 Regulated articles.

The following are regulated articles:

(a) Imported fire ant queens and reproducing colonies of imported fire ants.¹

(b) Soil,² separately or with other articles, except potting soil that is shipped in original containers in which the soil was placed after commercial preparation.

(c) Baled hay and baled straw stored in direct contact with the ground;

(d) Plants and sod with roots and soil attached, except plants maintained indoors in a home or office environment and not for sale;

(e) Used soil-moving equipment, unless removed of all noncompacted soil; and

(f) Any other article or means of conveyance when:

(1) An inspector determines that it presents a risk of spread of the imported fire ant due to its proximity to an infestation of the imported fire ant; and

(2) The person in possession of the product, article, or means of conveyance has been notified that it is regulated under this subpart.

(Approved by the Office of Management and Budget under control number 0579-0102)

[57 FR 57327, Dec. 4, 1992, as amended at 59 FR 67133, Dec. 29, 1994]

¹Permit and other requirements for the interstate movement of imported fire ants are contained in part 330 of this chapter.

²The movement of soil from Puerto Rico is subject to additional provisions in part 330 of this chapter.

§ 301.81-3 Quarantined areas.

(a) The Administrator will quarantine each State or each portion of a State that is infested.

(b) Less than an entire State will be listed 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 listed in § 301.81-2 that are equivalent to the interstate movement restrictions imposed by this subpart; and

(2) Designating less than the entire State as a quarantined area will prevent the spread of the imported fire ant.

(c) The Administrator may include uninfested acreage within a quarantined area due to its proximity to an infestation or inseparability from the infested locality for quarantine purposes, as determined by:

(1) Projections of spread of imported fire ant around the periphery of the infestation, as determined by previous years' surveys;

(2) Availability of natural habitats and host materials, within the uninfested acreage, suitable for establishment and survival of imported fire ant populations; and

(3) Necessity of including uninfested acreage within the quarantined area in order to establish readily identifiable boundaries.

(d) The Administrator or an inspector may temporarily designate any nonquarantined area as a quarantined area in accordance with the criteria specified in paragraphs (a), (b), and (c) of this section. The Administrator will give written notice of this designation to the owner or person in possession of the nonquarantined area, or, in the case of publicly owned land, to the person responsible for the management 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 either will be added to the list of designated quarantined areas in paragraph (e) of this section, or the Administrator will terminate the designation. The owner or person in possession of, or, in the case of publicly owned land, the person re-

sponsible for the management of, an area for which the designation is terminated will be given written notice of the termination as soon as practicable.

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

ALABAMA

The entire State.

ARKANSAS

- Ashley County. The entire county.
- Bradley County. The entire county.
- Calhoun County. The entire county.
- Chicot County. The entire county.
- Clark County. The entire county.
- Cleveland County. The entire county.
- Columbia County. The entire county.
- Dallas County. The entire county.
- Desha County. The entire county.
- Drew County. The entire county.
- Faulkner County. That portion of the county lying south of a line beginning at the intersection of Interstate 40 and the Faulkner/Conway County line; then southeast on Interstate 40 to U.S. Highway 64; then east on U.S. Highway 64 to the Faulkner/White County line.
- Garland County. The entire county.
- Grant County. The entire county.
- Hempstead County. The entire county.
- Hot Spring County. The entire county.
- Howard County. The entire county.
- Jefferson County. The entire county.
- Lafayette County. The entire county.
- Lincoln County. The entire county.
- Little River County. The entire county.
- Miller County. The entire county.
- Montgomery County. The entire county.
- Nevada County. The entire county.
- Ouachita County. The entire county.
- Perry County. The entire county.
- Pike County. The entire county.
- Polk County. The entire county.
- Pulaski County. The entire county.
- Saline County. The entire county.
- Sevier County. The entire county.
- Union County. The entire county.

CALIFORNIA

Los Angeles County. That portion of Los Angeles County in the Cerritos area bounded by a line beginning at the intersection of Artesia Boulevard and Marquardt Avenue; then south along Marquardt Avenue to the Los Angeles/Orange County Line; then south and west along the Los Angeles/Orange County Line to Carson Street; then west along Carson Street to Norwalk Boulevard; then north along Norwalk Boulevard to Centralia Street; then west along Centralia Street to Pioneer Boulevard; then north along Pioneer Boulevard to South Street; then east along South Street to Norwalk Boulevard; then north along Norwalk Boulevard to 183rd Street; then east along 183rd

Street to Bloomfield Avenue; then north along Bloomfield Avenue to Artesia Boulevard; then east along Artesia Boulevard to the point of beginning.

That portion of Los Angeles County in the Azusa area bounded by a line beginning at the intersection of Irwindale Avenue and Foothill Boulevard; then east along Foothill Boulevard to Azusa Avenue; then south along Azusa Avenue to East Fifth Street; then east along East Fifth Street to North Cerritos Avenue; then south along North Cerritos Avenue to Arrow Highway; then west along Arrow Highway to Azusa Avenue, then south along Azusa Avenue to Covina Boulevard; then west along an imaginary line to the intersection of Martinez Street and Irwindale Avenue; then north along Irwindale Avenue to the point of beginning.

Orange County. The entire county.

Riverside County. That portion of Riverside County in the Indio area bounded by a line beginning at the intersection of Avenue 50 and Jackson Street; then south along Jackson Street to 54th Avenue; then west along 54th Avenue to Madison Street; then north along Madison Street to Avenue 50; then east along Avenue 50 to the point of beginning.

That portion of Riverside County in the Moreno Valley area bounded by a line beginning at the intersection of Reche Vista Drive and Canyon Ranch Road; then southeast along Canyon Ranch Road to Valley Ranch Road; then east along Valley Ranch Road to Michael Way; then south along Michael Way to Casey Court; then east along Casey Court to the Moreno Valley City Limits; then south and east along the Moreno Valley City Limits to Pico Vista Way; then southwest along Pico Vista Way to Los Olivos Drive; then south along Los Olivos Drive to Jaclyn Avenue; then west along Jaclyn Avenue to Perris Boulevard; then south along Perris Boulevard to Kalmia Avenue; then west along Kalmia Avenue to Hubbard Street; then north along Hubbard Street to Nightfall Way; then west and south along Nightfall Way to Sundial Way; then west along Sundial Way to Indian Avenue; then south along Indian Avenue to Ebbitide Lane; then west along Ebbitide Lane to Ridgecrest Lane; then south along Ridgecrest Lane to Moonraker Lane; then west along Moonraker Lane to Davis Street; then south along Davis Street to Gregory Lane; then west along Gregory Lane to Heacock Street; then northwest along an imaginary line to the intersection of Lake Valley Drive and Breezy Meadow Drive; then north along Breezy Meadow Drive to its intersection with Stony Creek; then north along an imaginary line to the intersection of Old Lake Drive and Sunnymead Ranch Parkway; then northwest along Sunnymead Ranch Parkway to El Granito Street; then east along El Granito Street to Lawless Road; then east along an

imaginary line to the intersection of Heacock Street and Reche Vista Drive; then north along Reche Vista Drive to the point of beginning.

That portion of Riverside County in the Bermuda Dunes, Palm Desert, and Rancho Mirage areas bounded by a line beginning at the intersection of Ramon Road and Bob Hope Drive; then south along Bob Hope Drive to Dinah Shore Drive; then east along Dinah Shore Drive to Key Largo Avenue; then south along Key Largo Avenue to Gerald Ford Drive; then west along Gerald Ford Drive to Bob Hope Drive; then south along Bob Hope Drive to Frank Sinatra Drive; then east along Frank Sinatra Drive to Vista Del Sol; then south along Vista Del Sol to Country Club Drive; then east along Country Club Drive to Adams Street; then south along Adams Street to 42nd Avenue; then east along 42nd Avenue to Tranquillo Place; then south along Tranquillo Place to its intersection with Harbour Court; then southwest along an imaginary line to the intersection of Granada Drive and Caballeros Drive; then southeast along Caballeros Drive to Kingston Drive; then west along Kingston Drive to Mandeville Road; then east along Mandeville Road to Port Maria Road; then south along Port Maria Road to Fred Waring Drive; then west along Fred Waring Drive to its intersection with Dune Palms Road; then southwest along an imaginary line to the intersection of Adams Street and Miles Avenue; then west along Miles Avenue to Washington Street; then northwest along Washington Street to Fred Waring Drive; then west along Fred Waring Drive to Joshua Road; then north along Joshua Road to Park View Drive; then west along Park View Drive to State Highway 111; then northwest along State Highway 111 to Magnesia Fall Drive; then west along Magnesia Fall Drive to Gardess Road; then northwest along Gardess Road to Dunes View Road; then northeast along Dunes View Road to Halgar Road; then northwest along Halgar Road to Indian Trail Road; then northeast along Indian Trail Road to Mirage Road; then north along Mirage Road to State Highway 111; then northwest along State Highway 111 to Frank Sinatra Drive; then west along Frank Sinatra Drive to Da Vall Drive; then north along Da Vall Drive to Ramon Road; then east along Ramon Road to the point of beginning.

That portion of Riverside County in the Palm Springs area bounded by a line beginning at the intersection of Tramway Road, State Highway 111, and San Rafael Drive; then east along San Rafael Drive to Indian Canyon Drive; then south along Indian Canyon Drive to Francis Drive; then east along Francis Drive to North Farrell Drive; then south along North Farrell Drive to Verona

Road; then east along Verona Road to Whitewater Club Drive; then east along an imaginary line to the intersection of Verona Road and Ventura Drive; then east along Verona Road to Avenida Maravilla; then east and south along Avenida Maravilla to 30th Avenue; then west along 30th Avenue to its end; then west along an imaginary line to the Whitewater River; then southeast along the Whitewater River to Dinah Shore Drive; then west along an imaginary line to the east end of 34th Avenue; then west along 34th Avenue to Golf Club Drive; then south along Golf Club Drive to East Palm Canyon Drive; then south along an imaginary line to the intersection of Desterto Vista and Palm Hills Drive; then south along Palm Hills Drive to its end; then southwest along an imaginary line to the intersection of Murray Canyon and Palm Canyon Drive; then northwest along Palm Canyon Drive to the Palm Springs city limits; then west and north along Palm Springs city limits to Tahquitz Creek; then due north along an imaginary line to Tramway Road; then northeast along Tramway Road to the point of beginning.

FLORIDA

The entire State.

GEORGIA

The entire State.

LOUISIANA

The entire State.

MISSISSIPPI

The entire State.

NEW MEXICO

Dona Ana County. The entire county.

NORTH CAROLINA

Anson County. The entire county.

Beaufort County. The entire county.

Bertie County. That portion of the county bounded by a line beginning at the intersection of State Highway 11/42 and the Hertford/Bertie County line; then east along the Hertford/Bertie County line to the Bertie/Chowan County line; then south along the Bertie/Chowan County line to the Bertie/Martin County line; then west along the Bertie/Martin County line to State Highway 11/42; then north along State Highway 11/42 to the point of beginning.

Bladen County. The entire county.

Brunswick County. The entire county.

Cabarrus County. The entire county.

Camden County. That portion of the county bounded by a line beginning at the intersection of State Road 1112 and State Highway 343; then east along State Highway 343 to State Road 1107; then south along State Road 1107 to the Camden/Pasquotank County

line; then north along the Camden/Pasquotank County line to State Road 1112; then north along State Road 1112 to the point of beginning.

Carteret County. The entire county.

Chatham County. The entire county.

Cherokee County. That portion of the county lying south and west of a line beginning at the intersection of the Cherokee/Clay County line and the North Carolina/Georgia State line; then north to U.S. Highway 64; then northwest along the southern shoreline of Hiwassee Lake to the Tennessee State line.

Chowan County. That portion of the county bounded by a line beginning at the intersection of the Chowan/Gates County line and State Highway 32; then south along State Highway 32 to State Highway 37; then east along State Highway 37 to the Chowan/Perquimans County line; then south along the Chowan/Perquimans County line to the shoreline of the Albemarle Sound; then west along the shoreline of the Albemarle Sound to the Chowan/Bertie County line; then north along the Chowan/Bertie County line to the Chowan/Hertford County line; then north along the Chowan/Hertford County line to the Chowan/Gates County line; then east along the Chowan/Gates County line to the point of beginning.

Clay County. That portion of the county lying southwest of State Highway 69 and the North Carolina/Georgia State line; then north along Interstate 70 to its intersection with U.S. Highway 64; then west along U.S. Highway 64 to the Clay/Cherokee County boundary.

Cleveland County. The entire county.

Columbus County. The entire county.

Craven County. The entire county.

Cumberland County. The entire county.

Currituck County. That portion of the county bounded by a line beginning at the intersection of the Currituck/Camden County line and State Road 1112; then east along State Road 1112 to U.S. Highway 158; then south along U.S. Highway 158 to State Road 1111; then east along State Road 1111 to the shoreline of the Atlantic Ocean; then south along the shoreline of the Atlantic Ocean to the Currituck/Duck County line; then south and west along the Currituck/Duck County line to the Currituck/Camden County line; then north along the Currituck/Camden County line to the point of beginning.

Dare County. The entire county, excluding the portion of the barrier islands south of Oregon Inlet.

Duplin County. The entire county.

Durham County. That portion of the county lying south of Interstate 85.

Edgecombe County. That portion of the county lying south of a line beginning at the intersection of State Highway 111 and the Martin/Edgecombe County line; then southwest on State Highway 111 to U.S. Highway

64 Alternate; then west on U.S. Highway 64 Alternate to County Route 1252; then west of this northerly line to County Route 1408; then west on County Route 1408 to County Route 1407; then south on County Route 1407 to the Edgecombe/Nash County line.

Gaston County. The entire county.

Greene County. The entire county.

Harnett County. The entire county.

Hertford County. That portion of the county lying south and east of a line beginning at the intersection of State Highway 11 and the Bertie/Hertford county line; then northeast on State Highway 11 to the U.S. Highway 13 Bypass; then northeast on U.S. Highway 13 to the Hertford/Gates County line.

Hoke County. The entire county.

Hyde County. The entire county.

Johnston County. The entire county.

Jones County. The entire county.

Lee County. The entire county.

Lenoir County. The entire county.

Martin County. That portion of the county lying south of a line beginning at the intersection of State Highway 111 and the Edgecombe/Martin County line; then north and east on State Highway 111 to State Highway 11/42; then northeast along State Highway 11/42 to the Martin/Bertie County line.

Mecklenburg County. The entire county.

Montgomery County. The entire county.

Moore County. The entire county.

Nash County. That portion of the county lying south and east of the line beginning at the intersection of U.S. Highway 64 and the Franklin/Nash County line; then northeast on U.S. Highway 64 to Interstate 95; then north on Interstate 95 to State Highway 4; then east on State Highway 4 to U.S. Highway 301; then east along a straight line from the intersection of State Highway 64 and U.S. Highway 301 to the Nash/Edgecombe County line.

New Hanover County. The entire county.

Onslow County. The entire county.

Orange County. The portion of the county that lies south of Interstate 85.

Pamlico County. The entire county.

Pasquotank County. That portion of the county bounded by a line beginning at the intersection of the Pasquotank/Perquimans County line and U.S. Highway 17; then east along U.S. Highway 17 to the Pasquotank/Camden County line; then south along the Pasquotank/Camden County line to the shoreline of the Albemarle Sound; then west along the shoreline of the Albemarle Sound to the Pasquotank/Perquimans County line; then north along the Pasquotank/Perquimans County line to the point of beginning.

Pender County. The entire county.

Perquimans County. That portion of the county bounded by a line beginning at the intersection of the Perquimans/Chowan County line and State Road 1118; then east along State Road 1118 to State Road 1200;

then north along State Road 1200 to State Road 1213; then east along State Road 1213 to State Road 1214; then southeast along State Road 1214 to State Road 1221; then northeast along State Road 1221 to the Perquimans/Pasquotank County line; then south along the Perquimans/Pasquotank County line to the shoreline of the Albemarle Sound; then west along the shoreline of the Albemarle Sound to the Perquimans/Chowan County line; then north along the Perquimans/Chowan County line to the point of beginning.

Pitt County. The entire county.

Polk County. The entire county.

Randolph County. That portion of the county lying south of the line beginning at the intersection of State Highway 49 and the Davidson/Randolph County line; then east on State Highway 49 to U.S. Highway 64; then east on U.S. Highway 64 to its intersection with the Randolph/Chatham County line.

Richmond County. The entire county.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. The entire county.

Stanly County. The entire county.

Tyrrell County. The entire county.

Union County. The entire county.

Wake County. The entire county.

Washington County. The entire county.

Wayne County. The entire county.

Wilson County. The entire county.

OKLAHOMA

Bryan County. The entire county.

Carter County. The entire county.

Choctaw County. The entire county.

Comanche County. The entire county.

Johnston County. The entire county.

Love County. The entire county.

Marshall County. The entire county.

McCurtain County. The entire county.

PUERTO RICO

The entire State.

SOUTH CAROLINA

Abbeville County. The entire county.

Aiken County. The entire county.

Allendale County. The entire county.

Anderson County. The entire county.

Bamberg County. The entire county.

Barnwell County. The entire county.

Beaufort County. The entire county.

Berkeley County. The entire county.

Calhoun County. The entire county.

Charleston County. The entire county.

Cherokee County. That portion of the county bordered by a line beginning at the intersection of the Spartanburg/Cherokee County line and State Secondary Highway 36; then northeast on State Secondary Highway 36 to the South Carolina/North Carolina State line; then east along the State line to the Cherokee/York County line; then south along the Cherokee/York County line to the

Cherokee/Union County line; then northwest on the Cherokee/Union County line to the point of beginning.

Chester County. The entire county.
 Chesterfield County. The entire county.
 Clarendon County. The entire county.
 Colleton County. The entire county.
 Darlington County. The entire county.
 Dillon County. The entire county.
 Dorchester County. The entire county.
 Edgefield County. The entire county.
 Fairfield County. The entire county.
 Florence County. The entire county.
 Georgetown County. The entire county.
 Greenwood County. The entire county.
 Greenville County. That portion of the county bordered by a line beginning at the intersection of the Greenville/Spartanburg County line and State Secondary Highway 277; then northwest on State Secondary Highway 277 to State Secondary Highway 560; then east on State Highway 11 to the unpaved county road—then north on the unpaved county road to secondary system road—unpaved 118; then northeast on secondary system road—unpaved 118 to the South Carolina/North Carolina State line; then west along the South Carolina/North Carolina State line to the Greenville/Pickens County line; then south along the Greenville/Pickens County line to the Greenville/Laurens County line; then northeast along the Greenville/Laurens County line to the point of beginning.

Hampton County. The entire county.
 Horry County. The entire county.
 Jasper County. The entire county.
 Kershaw County. The entire county.
 Lancaster County. The entire county.
 Laurens County. The entire county.
 Lee County. The entire county.
 Lexington County. The entire county.
 Marion County. The entire county.
 Marlboro County. The entire county.
 McCormick County. The entire county.
 Newberry County. The entire county.
 Oconee County. The entire county.
 Orangeburg County. The entire county.
 Pickens County. The entire county.
 Richland County. The entire county.
 Saluda County. The entire county.
 Spartanburg County. That portion of the county bordered by a line beginning at the intersection of the Spartanburg/Greenville County line and State Secondary Highway 75; then northeast on State Secondary Highway 75 to State Secondary Highway 127 in the town of Gramling; then northeast on State Secondary Highway 127 to State Secondary Highway 37; then north on State Secondary Highway 37 to State Highway 11; then east on State Highway 11 to State Secondary Highway 943; then east on paved county road to State Secondary Highway 42; then southeast on State Secondary Highway 42 to State Secondary Highway 132; then northeast on State Secondary Highway 132 to State Sec-

ondary Highway 58; then south on State Secondary Highway 58 to State Secondary Highway 187; then east on State Highway 11 to the Spartanburg/Cherokee County line; then south along the Spartanburg/Cherokee County line to the Spartanburg/Laurens County line; then north along the Spartanburg/Laurens County line to the point of beginning.

Sumter County. The entire county.
 Union County. The entire county.
 Williamsburg County. The entire county.
 York County. The entire county.

TENNESSEE

Anderson County. That portion of the county lying south of a line beginning at the intersection of the Roane/Anderson County line and Tennessee Highway 95; then northeast on Tennessee Highway 95 to Tennessee Highway 62; then southeast on Tennessee Highway 62 to the Anderson/Knox County line.

Bedford County. That portion of the county lying south of a line beginning at the intersection of the Marshall/Bedford County line and Tennessee Highway 270; then southeast on Tennessee Highway 270 to U.S. Highway 41A; then northwest on U.S. Highway 41A to Hickory Hill Road; then east on Hickory Hill Road to Parson Road; then north on Parson Road to Nashville Dirt Road; then northwest on Nashville Dirt Road to Unionville-Deason Road; then east on Unionville-Deason Road to Edd Joyce Road; then east on Edd Joyce Road to Coop Road; then southeast on Coop Road to Tennessee Highway 82; then east on Tennessee Highway 82 to Tennessee Highway 269; then south on Tennessee Highway 269 to Tennessee Highway 64; then northeast on Tennessee Highway 64 to Knob Creek Road; then east on Knob Creek Road to the Bedford/Coffee County line.

Benton County. That portion of the county lying south of a line beginning at the intersection of the Carroll/Benton County line and U.S. Highway 70; then east on U.S. Highway 70 to U.S. Highway 641; then south on U.S. Highway 641 to Shiloh Church Road; then northeast on Shiloh Church Road to Tennessee Highway 191; then northwest on Tennessee Highway 191 to the line of latitude 36° N; then east along the line of latitude 36° N to the Benton/Humphreys County line.

Bledsoe County. That portion of the county lying south of a line beginning at the intersection of the Van Buren/Bledsoe County line and Tennessee Highway 285; then southeast on Tennessee Highway 285 to Bellview Road; then northeast on Bellview Road to Big Spring Gap Road; then southeast on Big Spring Gap Road to Old State Highway 28; then northeast on Old State Highway 28 to the Bledsoe/Cumberland County line.

Blount County. That portion of the county lying south of a line beginning at the intersection of the Knox/Blount County line and U.S. Highway 129; then south on U.S. Highway 129 to U.S. Highway 321; then east on U.S. Highway 321 to the Blount/Sevier County line.

Bradley County. The entire county.

Carroll County. That portion of the county lying southeast of a line beginning at the intersection of the Gibson/Carroll County line and U.S. Highway 79/70A; then northeast on U.S. Highway 79/70A to U.S. Highway 79; then northeast on U.S. Highway 79 to Big Buck Road; then east on Big Buck Road to Tennessee Highway 436; then north on Tennessee Highway 436 to Thompson Road; then east on Thompson Road to Tennessee Highway 22; then southeast on Tennessee Highway 22 to Tennessee Highway 364 (Huntingdon Bypass); then east on Tennessee Highway 364 to U.S. Highway 70, then east on U.S. Highway 70 to the Carroll/Benton County line.

Chester County. The entire county.

Coffee County. That portion of the county lying south of a line beginning at the intersection of the Bedford/Coffee County line and Sixteenth Model Road; then east on Sixteenth Model Road to U.S. Highway 41; then northwest on U.S. Highway 41 to Interstate 24; then southeast on Interstate 24 to Tennessee Highway 55; then northeast on Tennessee Highway 55 to Ragsdale Road; then south on Ragsdale Road to New Bushy Branch Road; then southeast on New Bushy Branch Road to Cornelison Road; then east on Cornelison Road to Clifton Scott Road; then south on Clifton Scott Road to Asbury Road; then east on Asbury Road to Benson Road; then southeast on Benson Road to Buck Jones Road; then south on Buck Jones Road to Old Airport Road; then southwest on Old Airport Road to U.S. Highway 41; then southeast on U.S. Highway 41 to Bailey Road; then east on Bailey Road to Lusk Cove Road; then northeast on Lusk Cove Road to the line of latitude 35°25' N.; then east along the line of latitude 35°25' N. to the Coffee/Grundy County line.

Cumberland County. That portion of the county lying southeast of a line beginning at the intersection of the Rhea/Cumberland County line and Tennessee Highway 68; then northwest on Tennessee Highway 68 to Cox Valley Road; then northeast on Cox Valley road to U.S. Highway 70; then east on U.S. Highway 70 to Market Street (in Crab Orchard); then north on Market Street to Main Street; then west on Main Street to Chestnut Hill Road; then north on Chestnut Hill Road to the line of latitude 35°56' N.; then east along the line of latitude 35°56' N to the Cumberland/Morgan County line.

Davidson County. That portion of the county lying southeast of a line beginning at the intersection of the Williamson/Davidson

County line and U.S. Highway 431; then northeast on U.S. Highway 431 to Tennessee Highway 254; then east on Tennessee Highway 254 to U.S. Highway 31A/41A; then north on U.S. Highway 31A/41A to Tennessee Highway 255; then northeast on Tennessee Highway 255 to Interstate 40; then east on Interstate 40 to the Davidson/Wilson County line.

Decatur County. The entire county.

Fayette County. The entire county.

Franklin County. The entire county.

Gibson County. That portion of the county lying southeast of a line beginning at the intersection of the Madison/Gibson County line and U.S. Highway 45W; then northwest on U.S. Highway 45W to U.S. Highway 45 Bypass (Tennessee Highway 366); then north on U.S. Highway 45 Bypass to U.S. Highway 79/70A; then northeast on U.S. Highway 79/70A to the Gibson/Carroll County line.

Giles County. The entire county.

Grundy County. That portion of the county lying southeast of a line beginning at the intersection of the Coffee/Grundy County line and the line of latitude 35°25' N.; then continuing east along the line of latitude 35°25' N to Deer Run road; then north on Deer Run Road to Cabbage Patch Road; then east on Cabbage Patch Road to Tennessee Highway 108; then southeast on Tennessee Highway 108 to Tennessee Highway 56; then north on Tennessee Highway 56 to the Grundy/Warren County line.

Hamilton County. The entire county.

Hardeman County. The entire county.

Hardin County. The entire county.

Haywood County. That portion of the county lying south of a line beginning at the intersection of the Tipton/Haywood County line and Tennessee Highway 54; then east on Tennessee Highway 54 to U.S. Highway 70; then east on U.S. Highway 70 to Interstate 40; then northeast on Interstate 40 to the Haywood/Madison County line.

Henderson County. The entire county.

Hickman County. That portion of the county lying south of a line beginning at the intersection of the Humphreys/Hickman County line and Interstate 40; then northeast on Interstate 40 to Tennessee Highway 230; then east on Tennessee Highway 230 to Tennessee Highway 48; then southeast on Tennessee Highway 48 to Tennessee Highway 100; then northeast on Tennessee Highway 100 to Tennessee Highway 230; then south on Tennessee Highway 230 to Tennessee Highway 50; then southeast on Tennessee Highway 50 to the Hickman/Maury County Line.

Humphreys County. That portion of the county lying south of a line beginning at the intersection of the Benton/Humphreys County line and the line of latitude 36°; then continuing east along the line of latitude 36° to Forks River Road; then south on Forks River Road to Old Highway 13; then southeast on Old Highway 13 to Tennessee Highway 13; then south on Tennessee Highway 13 to

Interstate 40; then east on Interstate 40 to the Humphreys/Hickman County line.

Knox County. That portion of the county lying south of a line beginning at the intersection of the Anderson/Knox County line and Tennessee Highway 62; then east on Tennessee Highway 62 to Tennessee Highway 131; then south on Tennessee Highway 131 to Middlebrook Pike; then southeast on Middlebrook Pike to North Cedar Bluff Road; then south on North Cedar Bluff Road to U.S. Highway 70; then northeast on U.S. Highway 70 to U.S. Highway 129; then south on U.S. Highway 129 to the Knox/Blount County line.

Lawrence County. The entire county.

Lewis County. The entire county.

Lincoln County. The entire county.

Loudon County. The entire county.

Madison County. The entire county.

Marion County. The entire county.

Marshall County. That portion of the county lying south of a line beginning at the intersection of the Maury/Marshall County line and Moses Road; then northeast on Moses Road to Wilson School Road; then southeast on Wilson School Road to Lunns Store Road; then south on Lunns Store Road to Tennessee Highway 99; then east on Tennessee Highway 99 to U.S. Highway 31A; then south on U.S. Highway 31A to James Shaw Road; then south on James Shaw Road to Clay Hill Road; then east on Clay Hill Road to Warner Road; then south on Warner Road to Batten Road; then southeast on Batten Road to the Marshall/Bedford County line.

Maury County. That portion of the county lying south of a line beginning at the intersection of the Hickman/Maury County line and Jones Valley Road; then east on Jones Valley Road to Leipers Creek Road; then south on Leipers Creek Road to Tennessee Highway 247; then northeast on Tennessee Highway 247 to Tennessee Highway 246; then north on Tennessee Highway 246 to the Maury/Williamson County line.

McMinn County. The entire county.

McNairy County. The entire county.

Meigs County. The entire county.

Monroe County. The entire county.

Moore County. The entire county.

Perry County. The entire county.

Polk County. The entire county.

Rhea County. The entire county.

Roane County. The entire county.

Rutherford County. That portion of the county lying northwest of a line beginning at the intersection of the Williamson/Rutherford County line and Rocky Fork Road; then northeast on Rocky Fork Road to Old Nashville Highway; then southeast on Old Nashville Highway to Tennessee Highway 102; then northeast on Tennessee Highway 102 to Weakley Lane; then north on Weakley Lane to Couchville Pike; then northwest on Couchville Pike to Corinth Road; then north on Corinth Road to the Rutherford/Wilson County line.

Sequatchie County. The entire county.

Shelby County. The entire county.

Tipton County. That portion of the county lying south of a line beginning at the intersection of the Shelby/Tipton County line and Tennessee Highway 14; then northeast on Tennessee Highway 14 to Tennessee Highway 179; then southeast on Tennessee Highway 179 to the Tipton/Haywood County line.

Van Buren County. That portion of the county lying south of Tennessee Highway 30.

Wayne County. The entire county.

Williamson County. That portion of the county lying northeast of a line beginning at the intersection of the Davidson/Williamson County line and U.S. Highway 31; then southwest on U.S. Highway 31 to U.S. Highway Business 431; then southeast on U.S. Highway Business 431 to Mack Hatcher Parkway; then north on Mack Hatcher Parkway to South Royal Oaks Boulevard; then northeast on South Royal Oaks Boulevard to Tennessee Highway 96; then east on Tennessee Highway 96 to Clovercroft Road; then northeast on Clovercroft Road to Wilson Pike; then north on Wilson Pike to Clovercroft Road; then northeast on Clovercroft Road to Rocky Fork Road; then east on Rocky Fork Road to the Williamson/Rutherford County line.

TEXAS

Anderson County. The entire county.

Angelina County. The entire county.

Aransas County. The entire county.

Atascosa County. The entire county.

Austin County. The entire county.

Bandera County. The entire county.

Bastrop County. The entire county.

Bee County. The entire county.

Bell County. The entire county.

Bexar County. The entire county.

Blanco County. The entire county.

Bosque County. The entire county.

Bowie County. The entire county.

Brazoria County. The entire county.

Brazos County. The entire county.

Brooks County. The entire county.

Brown County. The entire county.

Burleson County. The entire county.

Burnet County. The entire county.

Caldwell County. The entire county.

Calhoun County. The entire county.

Cameron County. The entire county.

Camp County. The entire county.

Cass County. The entire county.

Chambers County. The entire county.

Cherokee County. The entire county.

Collin County. The entire county.

Colorado County. The entire county.

Comal County. The entire county.

Comanche County. The entire county.

Cooke County. The entire county.

Coryell County. The entire county.

Dallas County. The entire county.

Delta County. The entire county.

Denton County. The entire county.

De Witt County. The entire county.
 Dimmit County. The entire county.
 Duval County. The entire county.
 Eastland County. The entire county.
 Ector County. The entire county.
 Edwards County. The entire county.
 Ellis County. The entire county.
 Erath County. The entire county.
 Falls County. The entire county.
 Fannin County. The entire county.
 Fayette County. The entire county.
 Fort Bend County. The entire county.
 Franklin County. The entire county.
 Freestone County. The entire county.
 Frio County. The entire county.
 Galveston County. The entire county.
 Gillespie County. The entire county.
 Goliad County. The entire county.
 Gonzales County. The entire county.
 Grayson County. The entire county.
 Gregg County. The entire county.
 Grimes County. The entire county.
 Guadalupe County. The entire county.
 Hamilton County. The entire county.
 Hardin County. The entire county.
 Harris County. The entire county.
 Harrison County. The entire county.
 Hays County. The entire county.
 Henderson County. The entire county.
 Hidalgo County. The entire county.
 Hill County. The entire county.
 Hood County. The entire county.
 Hopkins County. The entire county.
 Houston County. The entire county.
 Hunt County. The entire county.
 Jack County. The entire county.
 Jackson County. The entire county.
 Jasper County. The entire county.
 Jefferson County. The entire county.
 Jim Wells County. The entire county.
 Johnson County. The entire county.
 Jones County. The entire county.
 Karnes County. The entire county.
 Kaufman County. The entire county.
 Kendall County. The entire county.
 Kenedy County. The entire county.
 Kerr County. The entire county.
 Kimble County. The entire county.
 Kinney County. The entire county.
 Kleberg County. The entire county.
 La Salle County. The entire county.
 Lamar County. The entire county.
 Lampasas County. The entire county.
 Lavaca County. The entire county.
 Lee County. The entire county.
 Leon County. The entire county.
 Liberty County. The entire county.
 Limestone County. The entire county.
 Live Oak County. The entire county.
 Llano County. The entire county.
 Madison County. The entire county.
 Marion County. The entire county.
 Mason County. The entire county.
 Matagorda County. The entire county.
 Maverick County. The entire county.
 McCulloch County. The entire county.
 McLennan County. The entire county.

McMullen County. The entire county.
 Medina County. The entire county.
 Midland County. The entire county.
 Milam County. The entire county.
 Montague County. The entire county.
 Montgomery County. The entire county.
 Morris County. The entire county.
 Nacogdoches County. The entire county.
 Navarro County. The entire county.
 Newton County. The entire county.
 Nueces County. The entire county.
 Orange County. The entire county.
 Palo Pinto County. The entire county.
 Panola County. The entire county.
 Parker County. The entire county.
 Polk County. The entire county.
 Rains County. The entire county.
 Real County. The entire county.
 Red River County. The entire county.
 Refugio County. The entire county.
 Robertson County. The entire county.
 Rockwall County. The entire county.
 Rusk County. The entire county.
 Sabine County. The entire county.
 San Augustine County. The entire county.
 San Jacinto County. The entire county.
 San Patricio County. The entire county.
 San Saba County. The entire county.
 Shelby County. The entire county.
 Smith County. The entire county.
 Somervell County. The entire county.
 Stephens County. The entire county.
 Tarrant County. The entire county.
 Taylor County. The entire county.
 Titus County. The entire county.
 Tom Green County. The entire county.
 Travis County. The entire county.
 Trinity County. The entire county.
 Tyler County. The entire county.
 Upshur County. The entire county.
 Uvalde County. The entire county.
 Val Verde County. The entire county.
 Van Zandt County. The entire county.
 Victoria County. The entire county.
 Walker County. The entire county.
 Waller County. The entire county.
 Washington County. The entire county.
 Webb County. The entire county.
 Wharton County. The entire county.
 Wichita County. The entire county.
 Willacy County. The entire county.
 Williamson County. The entire county.
 Wilson County. The entire county.
 Wise County. The entire county.
 Wood County. The entire county.
 Young County. The entire county.

Zavala County. The entire county.

[57 FR 57327, Dec. 4, 1992, as amended at 59 FR 3314, Jan. 21, 1994; 59 FR 6531, Feb. 11, 1994; 59 FR 22492, May 2, 1994; 60 FR 52832, Oct. 11, 1995; 61 FR 17551, Apr. 22, 1996; 63 FR 4152, Jan. 28, 1998; 63 FR 36156, July 2, 1998; 64 FR 27658, May 21, 1999; 64 FR 60334, Nov. 5, 1999; 65 FR 30339, May 11, 2000; 65 FR 66489, Nov. 6, 2000; 67 FR 1069, Jan. 9, 2002; 68 FR 5795, Feb. 5, 2003; 69 FR 23416, Apr. 29, 2004; 70 FR 45524, Aug. 8, 2005; 71 FR 42247, July 26, 2006]

§ 301.81-4 Interstate movement of regulated articles from quarantined areas.

(a) Any regulated article may be moved interstate from a quarantined area into or through an area that is not quarantined only if moved under the following conditions:

(1) With a certificate or limited permit issued and attached in accordance with §§ 301.81-5 and 301.81-9 of this subpart;

(2) Without a certificate or limited permit, provided that each of the following conditions is met:

(i) The regulated article was moved into the quarantined area from an area that is not quarantined;

(ii) The point of origin is indicated on a waybill accompanying the regulated article;

(iii) The regulated article is moved through the quarantined area (without stopping except for refueling, or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed, or parked in locations inaccessible to the imported fire ant, or in locations that have been treated in accordance with the methods and procedures prescribed in the Appendix to this subpart ("III. Regulatory Procedures"), while in or moving through any quarantined area; and

(iv) The article has not been combined or commingled with other articles so as to lose its individual identity; or

(3) Without a certificate or limited permit provided the regulated article is a soil sample being moved to a laboratory approved by the Administrator³

³Criteria that laboratories must meet to become approved to process, test, or analyze soil, and the list of currently approved laboratories, may be obtained from the Animal and Plant Health Inspection Service, Plant

to process, test, or analyze soil samples.

(b) Inspectors are authorized to stop any person or means of conveyance moving in interstate commerce they have probable cause to believe is moving regulated articles, and to inspect the articles being moved and the means of conveyance. Articles found to be infested by an inspector, and articles not in compliance with the regulations in this subpart, may be seized, quarantined, treated, subjected to other remedial measures, destroyed, or otherwise disposed of. Any treatments will be in accordance with the methods and procedures prescribed in the Appendix to this subpart (III. *Regulatory Procedures*), or in accordance with the methods and procedures prescribed in part 305 of this chapter.

(Approved by the Office of Management and Budget under control number 0579-0102)

[57 FR 57327, Dec. 4, 1992, as amended at 59 FR 67133, Dec. 29, 1994; 59 FR 67609, Dec. 30, 1994; 67 FR 8464, Feb. 25, 2002; 70 FR 33268, June 7, 2005]

§ 301.81-5 Issuance of a certificate or limited permit.

(a) An inspector⁴ or person operating under a compliance agreement will issue a certificate for the interstate movement of a regulated article approved under such compliance agreement if he or she determines that the regulated article:

(1) Is eligible for unrestricted movement under all other applicable Federal domestic plant quarantines and regulations;

(2) Is to be moved interstate in compliance with any additional conditions deemed necessary under section 414 of the Plant Protection Act (7 U.S.C. 7714)

Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

⁴Inspectors are assigned to local offices of APHIS, which are listed in local telephone directories. Information on local offices may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

§ 301.81-6

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to prevent the spread of the imported fire ant;⁵ and

(3)(i) Is free of an imported fire ant infestation, based on his or her visual examination of the article;

(ii) Has been grown, produced, manufactured, stored, or handled in a manner that would prevent infestation or destroy all life stages of the imported fire ant; or

(iii) Has been treated in accordance with methods and procedures prescribed in the Appendix to this subpart ("III. Regulatory Procedures").

(b) An inspector will issue a limited permit for the interstate movement of a regulated article not eligible for a certificate if the inspector determines that the regulated article:

(1) Is to be moved interstate to a specified destination for specified handling, utilization, or processing (the destination and other conditions to be listed in the limited permit), and this interstate movement will not result in the spread of the imported fire ant because the imported fire ant will be destroyed by the specified handling, utilization, or processing;

(2) Is to be moved interstate in compliance with any conditions that the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the spread of the imported fire ant; and

(3) Is eligible for interstate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

(c) An inspector shall issue blank certificates to a person operating under a compliance agreement (in accordance with § 301.81-6 of this subpart) or authorize reproduction of the certificates on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates may then be completed and used, as needed, for the interstate movement of regulated articles that

⁵An inspector may hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of plants, plant pests, or other articles in accordance with sections 414, 421, and 434 of the Plant Protection Act (7 U.S.C. 7714, 7731, and 7754).

have met all of the requirements of paragraph (a) of this section.

(Approved by the Office of Management and Budget under control number 0579-0088)

[57 FR 57327, Dec. 4, 1992, as amended at 59 FR 67133, Dec. 29, 1994; 59 FR 67609, Dec. 30, 1994; 66 FR 21052, Apr. 27, 2001]

§ 301.81-6 Compliance agreements.

Persons who grow, handle, or move regulated articles interstate may enter into a compliance agreement⁶ if such persons review with an inspector each stipulation of the compliance agreement, have facilities and equipment to carry out disinfection procedures or application of chemical materials in accordance with the "Imported Fire Ant Program Manual," as set forth in the appendix to this subpart, and meet applicable State training and certification standards as authorized by the Federal Insecticide, Fungicide, and Rodenticide Act (86 Stat. 983; 7 U.S.C. 136b). Any person who enters into a compliance agreement with APHIS must agree to comply with the provisions of this subpart and any conditions imposed under this subpart.

[57 FR 57327, Dec. 4, 1992, as amended at 59 FR 67609, Dec. 30, 1994]

§ 301.81-7 Cancellation of a certificate, limited permit, or compliance agreement.

Any certificate, limited permit, or compliance agreement may be canceled orally or in writing by an inspector whenever the inspector determines that the holder of the certificate or limited permit, or the person who has entered into the compliance agreement, has not complied with this subpart or any conditions imposed under this subpart. If the cancellation is oral, the cancellation will become effective immediately and the cancellation and

⁶Compliance agreements may be initiated by contacting a local office of Plant Protection and Quarantine, which are listed in telephone directories. The addresses and telephone numbers of local offices of Plant Protection and Quarantine may also be obtained from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

the reasons for the cancellation will be confirmed in writing as soon as circumstances allow within 20 days after oral notification of the cancellation. Any person whose certificate, limited permit, or compliance agreement has been canceled may appeal the decision, in writing, within 10 days after receiving the written cancellation notice. The appeal must state all of the facts and reasons that the person wants the Administrator to consider in deciding the appeal. A hearing may be held to resolve any conflict as to any material fact. Rules of practice for the hearing will be adopted by the Administrator. As soon as practicable, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision.

(Approved by the Office of Management and Budget under control number 0579-0102)

[57 FR 57327, Dec. 4, 1992, as amended at 59 FR 67133, Dec. 29, 1994]

§ 301.81-8 Assembly and inspection of regulated articles.

(a) Persons requiring certification or other services must request the services from an inspector⁷ at least 48 hours before the services are needed.

(b) The regulated articles must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

(Approved by the Office of Management and Budget under control number 0579-0088)

[57 FR 57327, Dec. 4, 1992, as amended at 59 FR 67133, Dec. 29, 1994]

§ 301.81-9 Attachment and disposition of certificates and limited permits.

(a) The consignor must ensure that the certificate or limited permit authorizing interstate movement of a regulated article is, at all times during interstate movement, attached to:

(1) The outside of the container enclosing the regulated article;

(2) The article itself, if it is not in a container; or

(3) The consignee's copy of the accompanying waybill: *Provided*, that the descriptions of the regulated article on the certificate or limited permit, and

on the waybill, are sufficient to identify the regulated article; and

(b) The carrier must furnish the certificate or limited permit authorizing interstate movement of a regulated article to the consignee at the shipment's destination.

(Approved by the Office of Management and Budget under control number 0579-0088)

[57 FR 57327, Dec. 4, 1992, as amended at 59 FR 67133, Dec. 29, 1994]

§ 301.81-10 Costs and charges.

The services of the inspector during normal business hours will be furnished without cost to persons requiring the services. The United States Department of Agriculture will not be responsible for any other costs or charges.

APPENDIX TO SUBPART—IMPORTED FIRE ANT

III. Regulatory Procedures

A. *Instructions to Inspectors.* Inspectors must know and follow instructions in the PPQ Treatment Manual, the pesticide label, and exemptions (Section 18 or 24 (c) of FIFRA) for the treatment or other procedures used to authorize the movement of regulated articles. These will serve as a basis for explaining such procedures to persons interested in moving articles affected by the quarantine. Inspectors shall furnish completed information to anyone interested in moving regulated articles.

If there are questions concerning a particular treatment, contact your supervisor.

B. *Authorized Chemicals.* The following chemicals are authorized for the treatment of regulated articles under the IFA quarantine:

INSECTICIDES

Bifenthrin (Talstar[®])
Chlorpyrifos (Dursban[®])
Diazinon
Fenoxycarb (AWARD[®])
Fipronil (Chipco[®])
Hydramethylnon (AMDRO[®])
Methoprene (Extinguish[®])
Pyriproxyfen (Distance[®])
Tefluthrin (FIREBAN[®])

C. *Approved Treatments.*

1. Equipment—Used Soil-Moving

Methods: Used soil-moving equipment is eligible for movement when an inspector determines that one of the following procedures has been done:

a. It has been brushed free of noncompacted soil;

⁷See footnote 4 to § 301.81-5(a).

b. It has been washed free of noncompacted soil; or

c. Noncompacted soil has been removed with air pressure equipment using compressors designed specifically for this purpose. Such compressors must provide free air delivery of no less than 30 cubic feet per minute at 200 pounds per square inch.

Certification Period: As long as kept free of noncompacted soil.

Limitations: Regardless of the type of cleaning equipment used, all debris and noncompacted soil must be removed unless it is steam-heated by a "steam jenny" to disinfect the articles. Used soil-moving equipment, such as bulldozers, dirt pans, motor graders, and draglines, are difficult to clean sufficiently to eliminate pest risk.

Precaution: Steam may remove loose paint and usually is not recommended for use on equipment with conveyor belts and rubber parts.

2. Hay and Straw

Baled hay and straw stored in direct contact with the ground is ineligible for movement.

3. Plants—Balled or in Containers

a. Emulsifiable chlorpyrifos.

Material: Emulsifiable chlorpyrifos—Immersion and drench treatments (post-harvest): any Environmental Protection Agency (EPA) registered formulation is acceptable.

Dosage:

Chlorpyrifos formulation	Amount of formulation to make 100 gallons of treating solution
1 EC	16 fl. oz. (472 ml).
2 EC	8 fl. oz. (236 ml).
4 EC	4 fl. oz. (118 ml).

Exposure Period: Plants can be certified immediately upon completion of treatment

Certification Period: 30 days.

Precautions: Dwarf yaupon may show phytotoxicity to chlorpyrifos.

b. Bifenthrin.

(i) Bifenthrin: Drench and Topical Applications.

Material: Bifenthrin—drench of containerized nursery stock or topical application to 3- or 4-quart containerized nursery stock followed by irrigation with water.

Dosage: Dosage rate is 25 ppm. The amount of formulation needed to achieve 25 ppm varies with the bulk density of the soil or potting media. Follow label directions to calculate the amount of formulation needed to achieve 25 ppm.

Exposure period: Containerized nursery stock can be certified immediately upon completion of the treatment.

Certification period: 180 days.

(ii) Bifenthrin: Granular Formulation

Material: Granular bifenthrin—incorporation into soil or potting media for containerized nursery stock.

Dosage: The amount of granular bifenthrin needed to achieve a specified dosage varies with the bulk density of the soil or potting media. Follow label directions to calculate the amount needed to achieve a specified dosage.

Granular Bifenthrin Dosage (parts per million)	Certification Period (months after treatment)
10 ppm	0-6 months.
12 ppm	0-12 months.
15 ppm	0-24 months.
25 ppm	Continuous.

Exposure Period: Containerized nursery stock can be certified immediately upon completion of the treatment.

c. Tefluthrin: Granular Formulation.

Material: Granular tefluthrin—incorporation into soil or potting media for containerized nursery stock.

Dosage: The amount of granular tefluthrin needed to achieve a specified dosage varies with the bulk density of the soil or potting media. Follow label directions to calculate the amount of granular tefluthrin needed to achieve a specified dosage.

Granular tefluthrin dosage (parts per million)	Certification period (months after treatment)
10 ppm	0-18 months.
25 ppm	Continuous.

Exposure period: Containerized nursery stock can be certified for interstate movement from quarantined areas immediately upon completion of the treatment.

d. Fipronil: Granular Formulation.

Material: Granular fipronil incorporation into soil or potting media for containerized nursery stock.

Dosage: The amount of granular fipronil needed to achieve a specified dosage varies with the bulk density of the soil or potting media. Follow label directions to calculate the amount of granular fipronil needed to achieve a specified dosage.

Granular fipronil dosage (parts per million)	Certification period (months after treatment)
10 ppm	0-6 months.
12 ppm	0-12 months.
15 ppm	0-24 months.
25 ppm	Continuous.

Exposure Period: Containerized nursery stock can be certified for interstate movement from quarantined areas 2 weeks after completion of treatment.

e. General requirements for emulsifiable chlorpyrifos, bifenthrin, tefluthrin, or fipronil.

Conditions and Type of Soil: Any friable soil may be treated.

Method A—Immersion

Equipment

1. A watertight container for mixing the treating solutions.

2. Open-top, watertight container sufficiently large to accommodate the treating solution and plants.

Procedure: Locate immersion tank in well-ventilated place. Do not remove burlap wrap or plastic containers with drain holes prior to immersion. Immerse soil balls and containers, singly or in groups, so that soil is completely covered by solution. Plants must remain in solution until bubbling ceases. Plant balls should have space between them when grouped in trays, baskets, or other dipping containers. After removal from dip, plants may be set on drainboard until adequately drained.

Thorough saturation of the plant balls or containers with the insecticide solution is essential.

As treating progresses, freshly prepared treating mixture should be added to maintain liquid at immersion depth. Dispose of tank contents 8 hours after mixing. Clean tank before recharging. Disposal must comply with State and local regulations.

Precautions: Runoff of the solution from the treatment area should not be permitted. Excess solution (and used solution) must be disposed of in accordance with State and local regulations.

Method B—Drench

Equipment

1. A large-capacity bulk mixing tank, either pressurized or gravity-flow for mixing and holding the insecticide solution.

2. Properly equipped hoses and watering nozzles that can be attached to the mixing tank and used to thoroughly saturate the plant balls with the insecticide solution.

Procedure

1. Plants Balled with Burlap—Apply the chlorpyrifos solution as a substitute for plain water to the plants during the routine watering activities. Do not remove burlap wrap from plants prior to treatment. Treat plants singly or in groups with the chlorpyrifos solution to the point of runoff on a twice daily schedule for 3 consecutive days.

The above treatment should be carried out in a well-ventilated place normally used to maintain plants prior to shipment. The treatment will be enhanced by adding any agricultural wetting agent such as Ortho-77®, Tronic®, Tecowet®, etc., to the chlorpyrifos solution at the labeled rate (usually ½ pint per 100 gallons of water).

2. Containerized Plants—Apply the bifenthrin or chlorpyrifos solution to the point of saturation one time only. The volume of the treating solution must be at least ⅓ (20%) of the volume of the container.

Precautions: Thorough saturation of the plant balls or containers with the insecticide solution is essential. Runoff of the solution from the treatment area should not be permitted. Excess solution (and used solution) must be disposed of in accordance with State and local regulations.

Method C—Topical Application

Apply bifenthrin according to the label instructions for topical application. The method may be used only with nursery stock in 3- and 4-quart containers. Penetration of the pesticide in larger containers does not provide sufficient residual activity.

Irrigate all treated containers with 1.5 inches of water following application.

Precautions: Runoff of the solution from the treatment area should not be permitted. Excess solution (and used solution) must be disposed of in accordance with State and local regulations.

Manufacture of the 10WP (wetable powder) formulation was discontinued in 1998; however, the EPA will allow this product to be utilized until supplies are exhausted.

Method D—Granular Incorporation (Bifenthrin)

Apply bifenthrin according to the label instructions for granular incorporation. Mix thoroughly to distribute product evenly throughout the soil or potting media. After potting, containers must be watered to the point of saturation.

Precautions: Saturation of the soil or potting media with the granular bifenthrin is essential. Water that drains from the treatment area, which may contain bifenthrin, must be disposed of in accordance with State and local laws.

Method E—Granular Incorporation (Tefluthrin)

Apply tefluthrin according to the label directions for granular incorporation. Mix thoroughly to distribute the granular tefluthrin evenly throughout the soil or potting media. After potting, containers must be watered to the point of saturation.

Precautions: Saturation of the soil or potting media with the tefluthrin is essential. Water that drains from the treatment area, which may contain tefluthrin, must be disposed of in accordance with State and local laws.

Method F—Granular Incorporation (Fipronil)

Apply fipronil according to the label instructions for granular incorporation. Mix thoroughly to distribute product evenly

throughout the soil or potting media. After potting, containers must be watered to the point of saturation.

Precautions: Saturation of the soil or potting media with the granular fipronil is essential. Water that drains from the treatment area, which may contain fipronil, must be disposed of in accordance with State and local laws.

4. Imported-Fire-Ant-Free Nursery— Containerized Plants Only

This detection, control, exclusion, and enforcement program is designed to keep nurseries free of the imported fire ant and provides a basis to certify containerized nursery stock for interstate movement.

Participating regulated establishments must be operating under a compliance agreement. Such compliance agreements shall state the specific requirements that a shipper agrees to follow to move plants in accordance with the requirements of the program. Certificates and a nursery identification number may be issued to the nursery for use on shipments of regulated articles.

Detection

A successful treatment program depends upon early detection of imported fire ant colonies. Nursery owners are required to survey visually their entire premises twice monthly for the presence of imported fire ants.

Nurseries participating in this program will be inspected by Federal or State inspectors at least twice per year. More frequent inspections may be necessary depending upon imported fire ant infestation levels immediately surrounding the nursery, the thoroughness of nursery management in maintaining imported-fire-ant-free premises, and the number of previous detections of imported fire ants in or near containerized plants. Inspections by Federal and State inspectors should be more frequent just before and during the peak shipping season. Any nurseries determined during nursery inspections to have imported fire ant colonies must be immediately treated to the extent necessary to eliminate the colonies.

Control

Nursery plants that are shipped under this program must originate in a nursery free of imported fire ant. Nursery owners must implement a treatment program with registered bait and contact insecticides. The premises, including growing and holding areas, must be maintained free of the imported fire ant. As part of this treatment program, all exposed soil surfaces (including sod and mulched areas) on property where plants are grown, potted, stored, handled, loaded, unloaded, or sold must be treated with a broadcast application of

hydramethylnon (AMDRO®), fenoxycarb (AWARD®), pyriproxyfen (Distance®), or methoprene (Extinguish®) baits at least once every six months. The first application is more effective when applied early in the spring. An early spring bait application provides control before alate queens are produced or have time to establish new colonies. Follow label directions for use.

When properly used, baits are between 80 percent and 90 percent effective. Follow-up treatments with a contact insecticide must be applied to eliminate all remaining colonies. Mound drench treatments with a registered formulation of chlorpyrifos or diazinon are approved. Follow label directions for use.

Exclusion

Bifenthrin

For plants grown on the premises: Treatment of potting media with granular, flowable, or wettable powder formulation of bifenthrin prior to planting is required. This treatment reduces the risk of infestation of containers by alate queens flying in from adjacent or nearby infested premises. The dosage rate for granular bifenthrin is variable and is determined by the certification period selected; for flowable bifenthrin it is 25 ppm; for wettable powder it is 25 ppm.

Apply this treatment according to the label instructions.

Mixing must be adequate to blend the required dosage of pesticide throughout the entire potting soil mixture.

For plants received from outside sources: To prevent the spread into a nursery free of the imported fire ant by newly introduced, infested nursery plants, all plants must be:

(a) Obtained from nurseries free of imported fire ant that are certified under a compliance agreement; or

(b) Treated with bifenthrin drench upon delivery in accordance with this appendix (III.C.3.b), and within 180 days be either:

- (1) Repotted in treated potting soil media,
- (2) Retreated with bifenthrin drench, immersion, or topical application (III.C.3.b) at 180-day intervals, or
- (3) Shipped.

Tefluthrin

For plants grown on the premises: Treatment of soil or potting media with granular, flowable, tefluthrin prior to planting is permitted as an alternative to treatment with granular or wettable powder formulation of bifenthrin. This treatment reduces the risk of infestation of containers by alate queens flying in from adjacent or nearby infested premises. The dosage rate is variable, determined by the selected certification period, for the granular tefluthrin.

Apply this treatment according to the label directions.

Mixing must be adequate to blend the required dosage of granular tefluthrin throughout the entire soil or potting media.

Fipronil

For plants grown on the premises: Treatment of soil or potting media with granular fipronil prior to planting is permitted as an alternative to treatment with granular formulations of bifenthrin or tefluthrin. This treatment reduces the risk of infestation of containers by alate queens flying in from adjacent or nearby infested premises. The dosage rate is variable, determined by the selected certification period, for the granular fipronil.

Apply this treatment according to the label directions.

Mixing must be adequate to blend the required dosage of granular fipronil throughout the entire soil or potting media.

Enforcement

The nursery owner shall maintain records of the nursery's surveys and treatments for the imported fire ant. These records shall be made available to State and Federal inspectors upon request.

If imported fire ants are detected in nursery stock during an inspection by a Federal or State inspector, issuance of certificates for movement shall be suspended until necessary treatments are applied and the plants and nursery premises are determined to be free of the imported fire ant. A Federal or State inspector may declare a nursery to be free of the imported fire ant upon reinspection of the premises. This inspection must be conducted no sooner than 30 days after treatment to ensure its effectiveness. During this period, certification may be based upon the drench or immersion treatment provided in paragraph III.C.3. of this appendix, titled "Plants—Balled or in Containers."

Upon notification by the department of agriculture in any State of destination that a confirmed imported fire ant infestation was found on a shipment from a nursery considered free of the imported fire ant, the department of agriculture in the State of origin shall cease its certification of shipments from that nursery. An investigation by Federal or State inspectors will commence immediately to determine the probable source of the problem and to ensure that the problem is resolved. If the problem is an infestation, issuance of certification for movement on the basis of imported-fire-ant-free premises will be suspended until treatment and elimination of the infestation is completed. Reinstatement into the program will be granted upon determination that the nursery premises are free of the imported fire ant, and that all other provisions of this subpart are being followed.

In cases where the issuance of certificates is suspended through oral notification, the suspension and the reasons for the suspen-

sion will be confirmed in writing within 20 days of the oral notification of the suspension. Any person whose issuance of certificates has been suspended may appeal the decision, in writing, within 10 days after receiving the written suspension notice. The appeal must state all of the facts and reasons that the person wants the Administrator to consider in deciding the appeal. A hearing may be held to resolve any conflict as to any material fact. Rules of practice for the hearing will be adopted by the Administrator. As soon as practicable, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision.

Violations of the quarantine shall be investigated by Federal or State inspectors and appropriate penalties will be assessed to discourage further violations.

This imported-fire-ant-free nursery program is not mandatory for movement of regulated articles. Plants, balled or in containers, may otherwise be certified for movement using the chlorpyrifos, bifenthrin, tefluthrin, or fipronil treatments described in paragraph III.C.3 of this appendix, titled "Plants, Balled or in Containers." However, certification for movement under the imported-fire-ant-free nursery program will be granted only if all of the provisions of this subpart are followed.

Certification Period: Continuous as long as all provisions of the imported-fire-ant-free nursery program are followed.

5. Field-Grown Woody Ornamentals (In-Field Treatment Prior to Harvest)

Material: Chlorpyrifos used in combination with fenoxycarb (AWARD®), hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) fire ant bait.

Dosage: Fenoxycarb (AWARD®), hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) at 1.0–1.5 lb (0.45–0.68 kg) bait/acre. Chlorpyrifos at 6.0 lb (2.7 kg) a.i./acre.

Method: Apply fenoxycarb (AWARD®), hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) only when ants are actively foraging (follow EPA-approved label directions for use). Broadcast application with any type of equipment that can be calibrated to deliver 1.0–1.5 lb (0.45–0.68 kg) of bait per acre. Three to five days after the fenoxycarb (AWARD®), hydramethylnon (AMDRO®), or pyriproxyfen (Distance®) application, apply chlorpyrifos broadcast at 6.0 lb (2.7 kg) a.i. per acre. Treatment area must extend at least 10 feet beyond the base of all plants that are to be certified.

Exposure Period: 30 days. Plants can be certified 30 days after treatment.

Certification Period: 12 weeks.

Special Information: This in-field treatment is based on a sequential application of

fenoxycarb (AWARD®), hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) followed by chlorpyrifos. The combination treatment is necessary since broadcast application of chlorpyrifos (or other short-term residual insecticides) usually does not eliminate large, mature IFA colonies, and no bait, including fenoxycarb (AWARD®) hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®), is capable of providing a residual barrier against reinfestation by new queens. Therefore, the fenoxycarb (AWARD®) hydramethylnon (AMDRO®), pyriproxyfen (Distance®), or methoprene (Extinguish®) application will drastically reduce the IFA population while chlorpyrifos, applied approximately 5 days later, will destroy any remaining weakened colonies and also leave a residual barrier against reinfestation by new queens for at least 12 weeks.

6. Blueberries and Other Fruit and Nut Nursery Stocks

Certain States have special local need labeling in accordance with section 24(c) of FIFRA for D-z-n® Diazinon AG-500 and D-z-n® Diazinon 50W, which APHIS will recognize as a regulatory treatment for containerized nonbearing blueberries and fruit and nut plants. Follow label directions for use.

7. Plants—Greenhouse Grown

Greenhouse grown plants are certifiable without treatment if the inspector determines that the greenhouse is constructed of fiberglass, glass, or plastic in such a way that IFA is physically excluded and cannot become established within the enclosure. No other treatment of the plants will be necessary if they are not exposed to infestation.

8. Grass—Sod

Material

a. Chlorpyrifos.

Material	Amount and dosage of material	Certification period
Chlorpyrifos	8.0 lb (3.6 kg) a.i./acre	6 weeks (after exposure period has been completed).

Exposure Period: 48 hours.

Method

1. Apply a single broadcast application of chlorpyrifos with ground equipment.

2. Immediately after treatment, water the treated areas with at least ½ inch of water.

Chlorpyrifos wettable powder Dursban® 50-WP: Follow label directions for regulatory treatment for IFA.

b. Fipronil.

Material	Amount and dosage of material	Certification period
Fipronil	Dosage per application: 0.0125 lb (0.00567 kg) a.i./acre. Total amount over two applications: 0.025 lb (0.01134 kg) a.i./acre.	20 weeks (after exposure period has been completed).

Exposure Period: 30 days from the second application.

Method

1. Apply in two applications approximately 1 week apart for a total of 0.025 lb (0.01134 kg) a.i./acre.

2. Follow label directions for regulatory treatment for IFA.

9. Soil—Bulk

Method: Bulk soil is eligible for movement when heated either by dry or steam heat after all parts of the mass have been brought to the required temperature.

Temperature: 150 °F (65.5 °C).

Certification Period: As long as protected from recontamination.

10. Soil Samples

Soil samples are eligible for movement when heated or frozen as follows:

Heat

Method: Soil samples are heated either by dry heat or steam heat. All parts of the mass must be brought to the required temperature.

Temperature: 150 °F (65.5 °C).

Certification Period: As long as protected from recontamination.

Cold

Method: Soil samples are frozen in any commercial cold storage, frozen food locker, or home freezer capable of rapidly reducing to and maintaining required temperature. Soil samples will be placed in containers, such as plastic bags—one sample per bag. The containers will be arranged in the freezer in a manner to allow the soil samples to freeze in the fastest possible time. If desired, the frozen samples may be shipped in one carton.

Temperature: -10° to -20° °F (-23° to -29° °C) for at least 24 hours.

Certification Period: As long as protected from recontamination.

D. *Mitigative Measures.* The following measures are required to minimize impact on the environment and human health. Any person requesting certification to authorize the movement of regulated articles must adhere to these measures where applicable.

1. All applicable Federal, State, and local environmental laws and regulations must be followed.

2. Safety equipment and clothing, as specified by the label instructions, must be used and worn during treatments and during inspections.

3. Safety practices shall be communicated, and regulated establishment managers must require that on-the-job safety practices be followed.

4. All pesticides must be applied, handled, stored, and used in accordance with label instructions.

5. Empty pesticide containers must be disposed of in accordance with Federal and State regulations.

6. Pesticide remaining in containers after completion of an application must be retained and disposed of in accordance with label instructions and Federal and State regulations.

7. Oral or written warning must be provided to workers and the general public, indicating pesticide application areas during application and appropriate reentry periods.

8. Owners/managers of regulated properties must take precautions to limit access by the public, livestock, and wildlife to treated areas.

9. Accidental spill or water runoff of liquid or granular pesticides leading to potential contamination of ground and surface waters must be minimized by appropriate operating procedures. Catchment facilities (temporary or permanent) adequate to prevent contamination of ground and surface water are necessary in loading areas where liquid drenches and immersions are applied.

10. An environmental monitoring plan, including monitoring procedures, must be implemented by APHIS. Monitoring must be

conducted to determine if additional mitigative measures are necessary.

[57 FR 57327, Dec. 4, 1992, as amended at 58 FR 57954, Oct. 28, 1993; 59 FR 48779, Sept. 23, 1994; 59 FR 67609, Dec. 30, 1994; 62 FR 30740, June 5, 1997; 64 FR 27659, May 21, 1999; 64 FR 57970, Oct. 28, 1999; 64 FR 60334, Nov. 5, 1999; 65 FR 30341, May 11, 2000; 67 FR 58685, Sept. 18, 2002; 68 FR 59308, Oct. 15, 2003]

Subpart—Unshu Oranges [Reserved]

Subpart—Golden Nematode

SOURCE: 37 FR 24330, Nov. 16, 1972, unless otherwise noted.

QUARANTINE AND REGULATIONS

§ 301.85 Quarantine; restriction on interstate movement of specified regulated articles.

(a) *Notice of quarantine.* Under the authority of sections 411, 412, 414, and 434 of the Plant Protection Act (7 U.S.C. 7711, 7712, 7714, and 7754), the Secretary of Agriculture quarantines the State of New York in order to prevent the spread of the golden nematode (*Globodera rostochiensis*), which causes a dangerous disease of potatoes and certain other plants and is not widely prevalent or distributed within and throughout the United States. Through the aforementioned authorities, the Secretary imposes a quarantine on the State of New York with respect to the interstate movement from that State of the articles described in paragraph (b) of this section, issues regulations in this subpart governing the movement of such articles, and gives notice of this quarantine action.

(b) *Quarantine restrictions on interstate movement of specified regulated articles.* No common carrier or other person shall move interstate from any quarantined State any of the following articles (defined in § 301.85-1 as regulated articles), except in accordance with the conditions prescribed in this subpart:

(1) Soil, compost, humus, muck, peat, and decomposed manure, separately or with other things.

(2) Plants with roots, except soil-free aquatic plants.

(3) Grass sod.