

**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.<sup>1</sup>

(b) Soil,<sup>2</sup> 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;

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

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

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(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]

**§ 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 responsible 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.

Nevada County. The entire county.

Ouachita County. The entire county.

Pike County. The entire county.

Polk County. That portion of the county lying south of a line beginning at the intersection of State Highway 4 and the Oklahoma/Arkansas border; then east on State Highway 4 to U.S. Highway 71; then south on U.S. Highway 71 to State Highway 246; then east on State Highway 246 to the Polk/Howard County line.

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 Ebbtide Lane; then west along Ebbtide 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

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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 White-water 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 due 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. That portion of the county bounded by a line beginning at the intersection of the Cabarrus/Mecklenburg County line and State Highway 73; then east along State Highway 73 to U.S. Highway 601 Business; then southeast along U.S. Highway 601 Business to State Highway 200; then southeast along State Highway 200 to the Cabarrus/Stanly County line; then south along the Cabarrus/Stanly County line to the Cabarrus/Union County line; then northwest along the Cabarrus/Union County line to the Cabarrus/Mecklenburg County line; then northwest along the Cabarrus/Mecklenburg County line to the point of beginning.

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. That portion of the county bounded by a line beginning at the intersection of the Chatham/Randolph County line and U.S. Highway 64; then east along U.S. Highway 64 to the Chatham/Wake County line; then south along the Chatham/Wake County line to the Chatham/Harnett County line; then south along the Chatham/Harnett County line to the Chatham/Lee County line; then west along the Chatham/Lee County line to the Chatham/Moore County line; then west along the Chatham/Moore County line to the Chatham/Randolph County line; then north along the Chatham/Randolph County line to the point of beginning.

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.

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.

Edgecombe County. That portion of the county bounded by a line beginning at the intersection of State Highway 33 and State Highway 111; then east along State Highway 111 to State Highway 142; then east along State Highway 142 to the Edgecombe/Martin County line; then south along the Edgecombe/Martin County line to the Edgecombe/Pitt County line; then west along the Edgecombe/Pitt County line to State Highway 33; then north along State Highway 33 to the point of beginning.

Gaston County. That portion of the county bounded by a line beginning at the intersection of the Gaston/Cleveland County line and Interstate Highway 85; then north and east along Interstate Highway 85 to the Gaston/Mecklenburg County line; then south along the Gaston/Mecklenburg County line to the North Carolina/South Carolina State line; then west along the North Carolina/South Carolina State line to the Gaston/Cleveland County line; then north along the Gaston/Cleveland County line to the point of beginning.

Greene County. The entire county.

Harnett County. That portion of the county lying south of a line beginning at the intersection of U.S. Highway 421 and the Harnett/Lee County line; then east and southeast on U.S. Highway 421 to Interstate 95; then northeast on Interstate 95 to the Harnett/Johnston County line.

Hertford County. That portion of the county lying east of a line beginning at the inter-

section of U.S. Highway 13 and the Hertford/Bertie County line; then north on U.S. Highway 13 to County Route 1419 (Newsome Grove Road); then north on County Route 1419 to County Route 1415 (Catherine Creek Road); then northeast on County Route 1415 to County Route 1409 (Hall Siding Road); then northwest on County Route 1409 to County Route 1403 (Ahoskie-Cofield Road); then northeast on County Route 1403 to County Route 1400 (River Road); then northwest on County Route 1400 to County Route 1402 (Tunis Road); then northeast on County Route 1402 to the Chowan River and the Hertford/Gates County line.

Hoke County. The entire county.

Hyde County. The entire county.

Johnston County. That portion of the county lying south and east of Interstate 95.

Jones County. The entire county.

Lee County. The entire county.

Lenoir County. The entire county.

Martin County. That portion of the county bounded by a line beginning at the intersection of the Martin/Edgecombe County line and State Highway 142; then east along State Highway 142 to State Highway 125; then north along State Highway 125 to State Road 1429; then east along State Road 1429 to the Martin/Bertie County line; then south along the Martin/Bertie County line to the Martin/Washington County line; then south along the Martin/Washington County line to the Martin/Beaufort County line; then west along the Martin/Beaufort County line to the Martin/Pitt County line; then north along the Martin/Pitt County line to the Martin/Edgecombe County line; then north along the Martin/Edgecombe County line to the point of beginning.

Mecklenburg County. The entire county.

Montgomery County. The entire county.

Moore County. The entire county.

Nash County. That portion of the county bounded by Interstate 95 on the west, the old Seaboard Railroad tracks on the south, the Nash/Edgecombe County line on the east, and on the north by State Highway 4 to its junction with U.S. Highway 301, then following a straight line east to the Nash/Edgecombe County line.

New Hanover County. The entire county.

Onslow County. The entire county.

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.

Richmond County. The entire county.

Robeson County. The entire county.

Sampson County. The entire county.

Scotland County. The entire county.

Stanly County. That portion of the county bounded by a line beginning at the intersection of the Stanly/Cabarrus County line and State Highway 24/27; then east along State Highway 24/27 to the Stanly/Montgomery County line; then south along the Stanly/Montgomery County line to the Stanly/Anson County line; then west along the Stanly/Anson County line to the Stanly/Union County line; then west along the Stanly/Union County line to the Stanly/Cabarrus County line; then north along the Stanly/Cabarrus County line to the point of beginning.

Tyrrell County. The entire county.

Union County. The entire county.

Wake County. That portion of the county lying south of a line beginning at the intersection of U.S. Highway 70 and the Wake/Durham County line; then south and east on U.S. Highway 70 to Interstate Highway 440; then east on Interstate 440 to Wake Forest Road; then north on Wake Forest Road to Spring Forest Road; then east on Spring Forest Road to State Highway 401; then north on State Highway 401 to the Neuse River; and then south along the Neuse River to the Wake/Johnston County line.

Washington County. The entire county.

Wayne County. That portion of the county bounded by a line beginning at the intersection of the Wayne/Johnston County line and U.S. Highway 70; then east along U.S. Highway 70 to State Highway 111; then north along State Highway 111 to State Road 1572; then southeast along State Road 1572 to U.S. Highway 13; then east along U.S. Highway 13 to the Wayne/Greene County line; then south along the Wayne/Greene County line to the Wayne/Lenoir County line; then south along the Wayne/Lenoir County line to the Wayne/Duplin County line; then west along the Wayne/Duplin County line to the Wayne/Sampson County line; then west along the

Wayne/Sampson County line to the Wayne/Johnston County line; then north along the Wayne/Johnston County line to the point of beginning.

#### 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. That portion of the county bounded by a line beginning at the intersection of South Carolina Primary Highway 28 and the Pickens County/Anderson County line; then southeast along South Carolina Primary Highway 28 to its intersection with County Road 115; then southeast along County Road 115 to its intersection with County Road 29; then southeast along County Road 29 to its intersection with County Road 81; then south along County Road 81 to its intersection with South Carolina Highway 247; then east along this highway to its intersection with the eastern Anderson County line; then south, southwest, north and northeast along this county line to the point of beginning.

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 bounded by a line beginning at the intersection of the Cherokee/Spartanburg County line and Interstate Highway 85; then north along Interstate Highway 85 to the South Carolina/North Carolina State line; then east along the South Carolina/North Carolina State line to the Cherokee/York County line; then south along the Cherokee/York County line to the Cherokee/Union County line; then northwest along the Cherokee/Union County line to the Cherokee/Spartanburg County line; then northwest along the Cherokee/Spartanburg 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 bounded by a line beginning at the intersection of U.S. Highway 29 and the western Greenville County line; then east along U.S. Highway 29 to its intersection with the eastern Greenville County line; then south, southwest, and north along the eastern Greenville 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. That portion of the county bounded by a line beginning at the intersection of the South Carolina/Georgia State line and U.S. Highway 123; then east along U.S. Highway 123 to U.S. Highway 76; then southeast along U.S. Highway 76 to State Highway 183; then northeast along State Highway 183 to Oconee County Road 107; then east along Oconee County Road 107 to State Highway 11; then north along State Highway 11 to State Highway 183; then east along State Highway 183 to the Oconee/Pickens County line; then south along the Oconee/Pickens County line to the Oconee/Anderson County line; then southwest along the Oconee/Anderson County line to the South Carolina/Georgia State line; then northwest along the South Carolina/Georgia State line to the point of beginning.

Orangeburg County. The entire county.  
 Pickens County. That portion of the county bounded by a line beginning at the intersection of the Pickens/Oconee County line and State Highway 183; then northeast along State Highway 183 to Pickens County Road 160; then southeast along Pickens County Road 160 to State Highway 133; then south along State Highway 133 to Pickens County Road 15; then southeast along Pickens County Road 15 to State Highway 93; then northeast along State Highway 93 to Pickens County Road 395; then east along Pickens County Road 395 to Pickens County Road 27; then south along Pickens County Road 27 to U.S. Highway 123; then northeast along U.S. Highway 123 to U.S. Highway 178; then south along U.S. Highway 178 to the Pickens/Anderson County line; then southwest along the Pickens/Anderson County line to the Pickens/Oconee County line; then north along the

Pickens/Oconee County line to the point of beginning.

Richland County. The entire county.  
 Saluda County. The entire county.  
 Spartanburg County. That portion of the county bounded by a line beginning at the intersection of the Spartanburg/Greenville County line and State Highway 357; then northeast along State Highway 357 to Spartanburg County Road 38; then east along Spartanburg County Road 38 to U.S. Highway 176; then southeast along U.S. Highway 176 to Spartanburg County Road 56; then east along Spartanburg County Road 56 to U.S. Highway 221; then northeast along U.S. Highway 221 to Spartanburg County Road 105; then southeast along Spartanburg County Road 105 to State Highway 110; then north along State Highway 110 to the Spartanburg/Cherokee County line; then south along the Spartanburg/Cherokee County line to the Spartanburg/Union County line; then southwest along the Spartanburg/Union County line to the Spartanburg/Laurens County line; then northwest along the Spartanburg/Laurens County line to the Spartanburg/Greenville County line; then northwest and north along the Spartanburg/Greenville 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

Bradley County. The entire county.  
 Chester County. The entire county.  
 Decatur County. That portion of the county lying south of Interstate Highway 40.  
 Fayette County. The entire county.  
 Franklin County. That portion of the county lying south of a line beginning at the intersection of State Highway 50 and the Moore/Franklin County line; then east on State Highway 50 to U.S. Highway 64; then east on U.S. Highway 64 to U.S. Highway Alt 41; then east on U.S. Highway Alt 41 to the Grundy/Marion County line; also the entire city limits of Winchester, Decherd, and Estill Springs.  
 Giles County. That portion of the county lying south of a line beginning at the intersection of State Highway 129 and the Giles/Marshall County line; then west along State Highway 129 to U.S. Highway 31; then west along an imaginary line to the Lawrence/Giles 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 Interstate Highway 40.  
 Henderson County. The entire county.  
 Lawrence County. The entire county.  
 Lewis County. The entire county.  
 Lincoln 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 State Highway 129 and the Giles/Marshall County line; then east along State Highway 129 to U.S. Highway Alt. 31; then north along U.S. Highway Alt. 31 to State Highway 50; then southeast along State Highway 50 to the Marshall/Lincoln County line.  
 Maury County. That portion of the county lying south and west of a line beginning at the intersection of U.S. Highway 412 and the Maury/Lewis County line; then east on U.S. Highway 412 to State Highway 166; then southeast on State Highway 166 to Dry Creek Road; then south on Dry Creek Road to the Maury/Lawrence County line.  
 McMinn County. The entire county.  
 McNairy County. The entire county.  
 Meigs County. The entire county.  
 Monroe County. That portion of the county lying south of a line beginning at the intersection of the Loudon/Monroe County line and State Highway 68; then southeast along State Highway 68 to U.S. Highway 411; then northeast along U.S. Highway 411 to the Monroe/Loudon County line; also the entire cities of Sweetwater, Madisonville, and Vonore, TN.  
*Moore County.* That portion of the county lying south of a line beginning at the intersection of State Highway 82 and the Moore/Bedford County line; then southeast on State Highway 82 to State Highway 55; then northeast on State Highway 55 to Cobb Hollow Road; then east on Cobb Hollow Road to the Moore/Coffee County line.  
 Perry County. That portion of the county lying south of latitude 35°45'.  
 Polk County. The entire county.  
 Rhea County. The entire county.  
 Sequatchie County. That portion of the county lying south of a line beginning at the intersection of the Grundy/Sequatchie County line and State Highway 399; then northeast along State Highway 399 to State Highway 8/111; then northeast along an imaginary line to the Sequatchie/Bledsoe County line.  
 Shelby County. The entire county.  
 Wayne County. The entire county.

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]

**§ 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

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a soil sample being moved to a laboratory approved by the Administrator<sup>3</sup> 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 the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at §300.1 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]

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

(a) An inspector<sup>4</sup> 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 Fed-

<sup>3</sup>Criteria 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 Protection and Quarantine, Domestic and Emergency Operations, 4700 River Road Unit 134, Riverdale, Maryland 20737-1236.

<sup>4</sup>Inspectors 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.

eral 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) to prevent the spread of the imported fire ant;<sup>5</sup> 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

<sup>5</sup>An 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).

the compliance agreement. These certificates may then be completed and used, as needed, for the interstate movement of regulated articles that 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 agreement<sup>6</sup> if such persons review with an inspector each stipulation of the compliance agreement, have facilities and equipment to carry out disinfestation 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 sub-

<sup>6</sup>Compliance 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.

part or any conditions imposed under this subpart. If the cancellation is oral, the cancellation will become effective immediately and the cancellation and 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 inspector<sup>7</sup> 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 encasing the regulated article;
- (2) The article itself, if it is not in a container; or

<sup>7</sup>See footnote 4 to § 301.81-5(a).

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(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®)
- Pyriproxyfen (Distance®)
- Tefluthrin (FIREBAN®)

C. *Approved Treatments.*

1. Equipment—Used Soil-Moving

*Methods:* Used soil-moving equipment is eligible for movement when an inspector de-

termines that one of the following procedures has been done:

a. It has been brushed free of noncompacted soil;

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 disinfest 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—Baled 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 move-

ment 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 (wettable 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®), or pyriproxyfen (Distance®) 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 suspension 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®), or pyriproxyfen (Distance®) fire ant bait.

*Dosage:* Fenoxycarb (AWARD®), hydramethylnon (AMDRO®), or pyriproxyfen (Distance®) 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®), or pyriproxyfen (Distance®) 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®), or pyriproxyfen (Distance®) 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®) or hydramethylnon (AMDRO®), is capable of providing a residual barrier against reinfestation by new queens. Therefore, the fenoxycarb (AWARD®) hydramethylnon (AMDRO®), or pyriproxyfen (Distance®) 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]

**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.
- (4) Plant crowns and roots for propagation.

(5) True bulbs, corms, rhizomes, and tubers of ornamental plants.

(6) Irish potatoes included within any one or more of the following paragraph (b)(6)(i), (ii), or (iii) of this section:

- (i) Irish potatoes for seed; and
- (ii) Irish potatoes unless—
  - (A) Each is at least 1½ inches in diameter based on measurement by a sizing screen or sizing chain, each is substantially free of soil as a result of grading (a method of removing soil mechanically) under a compliance agreement in accordance with §301.85-5(b), and they are moved in an approved container; or
  - (B) Each is substantially free of soil as a result of washing or fluming under a compliance agreement in accordance with §301.85-5(b), and they are moved in an approved container; or
  - (iii) Irish potatoes harvested from a field tested and found by an inspector to contain an identifiable population of viable golden nematodes, unless such field had been subsequently treated in accordance with paragraph (b)(6)(ii) (A), (B), or (C) of this section under the supervision of an inspector and in accordance with any additional conditions found necessary by the inspector to assure effective application of the pesticide used; and unless headlands and farm roads are treated in accordance with paragraph (b)(6)(iii)(D) of this section:

(A) Applications of 140.3 liters of Vorlex (1,3 dichloropropene; 1,2 dichloropropane, and other related compounds, 80 percent; plus methyl isothiocyanate, 20 percent active ingredients) per hectare (15 gallons per acre); two applications 5 to 10 days apart with a third application 5 to 10 days after the second application to areas in which the inspector finds upon microscopic examination of soil samples that viable golden nematodes may still exist; soil to be from 3 °C to 29 °C (38 °F to 84 °F).

(B) Applications of 280.6 liters of D-D (1,3 dichloropropene; 1,2 dichloropropane, and other related compounds, 100 percent active ingredients) per hectare (30 gallons per acre); two applications 5 to 10 days apart with