

### 301.32 FRUIT FLY

Federal Domestic Quarantine

**A. Pest.** Fruit fly (fruit flies). The melon fruit fly (*Bactrocera cucurbitae* (Coquillett)), Mexican fruit fly (*Anastrepha ludens* (Loew)), Mediterranean fruit fly (*Ceratitis capitata* (Wiedemann)), Oriental fruit fly (*Bactrocera dorsalis* (Hendel)), peach fruit fly (*Anastrepha zonata* (Saunders)), sapote fruit fly (*Anastrepha serpentina*), or West Indian fruit fly (*Anastrepha obliqua* (Macquart)), or other species of insects found in the family Tephritidae, collectively.

**B. Area Under Quarantine.**

Current fruit fly quarantine areas are posted on the United States Department of Agriculture Animal and Plant Health Inspection Service website:

<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/plant-pest-and-disease-programs/pests-and-diseases/fruit-flies>

**C. Regulated Articles.**

1. In the following table, the berry, fruit, nut, or vegetable listed in each row in the left column is a regulated article for each of the fruit fly species listed in that row in the right column, unless the article is canned, dried, or frozen below -17.8 °C (0 °F):

Botanical name	Common name(s)	Fruit fly
<i>Abelmoschus esculentus</i> = <i>Hibiscus esculentus</i>	Okra	Melon, Peach.
<i>Acca sellowiana</i> = <i>Feijoa sellowiana</i>	Pineapple guava	Mediterranean, Oriental, Peach.
<i>Actinidia chinensis</i>	Kiwi	Mediterranean.
<i>Aegle marmelos</i>	Indian bael	Peach.
<i>Anacardium occidentale</i>	Cashew	Oriental.
<i>Annona cherimola</i>	Cherimoya	Mexican, Oriental, Peach.
<i>Annona glabra</i>	Pond-apple	Sapote.
<i>Annona muricata</i>	Soursop	Melon, Oriental, Peach.
<i>Annona reticulata</i>	Custard apple, Annona	Melon, Mexican, Oriental, Peach.
<i>Annona squamosa</i>	Custard apple	Peach.
<i>Artocarpus altilis</i>	Breadfruit	Oriental.
<i>Artocarpus heterophyllus</i>	Jackfruit	Oriental.
<i>Averrhoa carambola</i>	Carambola, Country gooseberry	Oriental, West Indian.
<i>Benincasa hispida</i>	Melon, Chinese	Melon.
<i>Brassica juncea</i>	Mustard, leaf	Melon.
<i>Brassica oleracea</i> var. <i>botrytis</i>	Cauliflower	Melon.
<i>Brosimum alicastrum</i>	Ramón	West Indian.

<i>Byrsonima crassifolia</i>	Nance	Sapote.
<b>Botanical name</b>	<b>Common name(s)</b>	<b>Fruit fly</b>
<i>Calophyllum inophyllum</i>	Alexandrian-laurel, Laurel	Oriental.
<i>Cananga odorata</i>	Ylang-Ylang	Oriental.
<i>Capsicum annum</i>	Pepper, chili	Mediterranean, Melon, Oriental.
<i>Capsicum frutescens</i>	Pepper, tabasco	Mediterranean, Melon.
<i>Capsicum frutescens abbreviatum</i>	Oriental bush red pepper	Oriental.
<i>Capsicum frutescens</i> var. <i>grossum</i>	Pepper, sweet	Oriental.
<i>Carica papaya</i>	Papaya	Mediterranean, Melon, Oriental, Peach.
<i>Carissa grandiflora</i>	Natal plum	Oriental.
<i>Carissa macrocarpa</i>	Natal plum	Mediterranean.
<i>Casimiroa edulis</i>	Sapote, white	Mediterranean.
<i>Casimiroa greggii</i> = <i>Sargentia greggii</i>	Sargentia, yellow chapote	Mexican.
<i>Casimiroa</i> spp	Sapote	Mexican.
<i>Cereus coerulescens</i>	Cactus	Oriental.
<i>Chrysophyllum cainito</i>	Star apple	Oriental, Sapote.
<i>Chrysophyllum oliviforme</i>	Caimitillo	Oriental.
<i>Citrofortunella japonica</i>	Orange, calamondin	Peach.
<i>Citrullus colocynthis</i>	Colocynth	Melon.
<i>Citrullus lanatus</i> = <i>Citrullus vulgaris</i>	Watermelon	Melon, Peach.
<i>Citrullus</i> spp	Melon	Melon.
<i>Citrus aurantiifolia</i>	Lime	Mediterranean, Mexican <sup>1</sup> , Oriental, Peach.
<i>Citrus aurantium</i>	Orange, sour	Mediterranean, Mexican, Oriental, Peach.
<i>Citrus jambhiri</i>	Lemon, Rough	Mediterranean.
<i>Citrus latifolia</i>	Lime, Persian	Oriental.
<i>Citrus limon</i>	Lemon	Mediterranean, <sup>2</sup> Mexican, <sup>3</sup> Oriental, Peach.
<i>Citrus limon x reticulata</i>	Lemon, Meyer	Mediterranean.
<i>Citrus madurensis</i> = x <i>Citrofortunella mitis</i>	Orange, Panama	Sapote.
<i>Citrus maxima</i> = <i>Citrus grandis</i>	Pummelo or Shaddock	Mediterranean, Mexican, Oriental, Peach.
<i>Citrus medica</i>	Citrus citron	Mediterranean, Mexican, Peach.
<i>Citrus paradisi</i>	Grapefruit	Mediterranean, Melon, Mexican, Oriental, Peach.
<i>Citrus reticulata</i>	Mandarin orange, tangerine	Mediterranean, Mexican, Oriental, Peach.

<i>Citrus reticulata</i> var. <i>Unshu</i>	Orange, Unshu	Mediterranean, Oriental.
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Botanical name	Common name(s)	Fruit fly
<i>Citrus reticulata</i> x <i>C. sinensis</i> = <i>Citrus nobilis</i>	Orange, king	Mediterranean, Melon, Oriental, Peach.
<i>Citrus reticulata</i> x <i>Fortunella</i>	Orange, calamondin	Mediterranean, Mexican, Oriental.
<i>Citrus sinensis</i>	Orange, sweet	Mediterranean, Melon, Mexican, Oriental, Peach.
<i>Citrus</i> spp	Citrus	Sapote.
<i>Clausea</i> <i>lansium</i>	Wampi	Oriental.
<i>Coccinia</i> spp	Gourds	Melon, Peach.
<i>Coccoloba</i> <i>uvifera</i>	Seagrape	Oriental.
<i>Coffea arabica</i>	Coffee, Arabian	Oriental.
<i>Crescentia</i> spp	Gourds	Melon, Peach.
<i>Cucumis melo</i> and <i>Cucumis</i> <i>melo</i> var. <i>Cantalupensis</i>	Cantaloupe	Melon, Peach.
<i>Cucumis melo</i> var. <i>conomon</i>	Melon, oriental pickling	Melon.
<i>Cucumis</i> <i>pubescens</i> and <i>Cucumis</i> <i>trigonus</i>	Cucurbit	Melon.
<i>Cucumis sativus</i>	Cucumber	Melon, Oriental, Peach.
<i>Cucumis</i> <i>utilissimus</i>	Melon, long	Peach.
<i>Cucurbita</i> <i>maxima</i>	Squash	Melon.
<i>Cucurbita</i> <i>moschata</i>	Pumpkin, Canada	Melon.
<i>Cucurbita pepo</i>	Pumpkin	Melon.
<i>Cydonia</i> <i>oblonga</i>	Quince	Mexican, Mediterranean, Oriental, Peach, Sapote.
<i>Cyphomandra</i> <i>betaceae</i>	Tomato, tree	Melon.
<i>Diospyros</i> <i>digyna</i>	Black sapote	Sapote.
<i>Diospyros</i> <i>discolor</i>	Velvet apple	Oriental.
<i>Diospyros khaki</i>	Japanese persimmon	Mediterranean, Oriental.
<i>Diospyros</i> spp	Sapote	Sapote, West Indian.
<i>Dovyalis</i> <i>hebecarpa</i>	Kitembilla	Oriental, Sapote, West Indian.
<i>Dracena draco</i>	Dragon tree	Oriental.
<i>Elaeocarpus</i> <i>angustifolius</i>	Blue marbletree; New Guinea quandong	Peach.
<i>Elaeocarpus</i> <i>grandiflorus</i>	Lily of the valley tree	Peach.
<i>Elaeocarpus</i> <i>madopetalus</i>	Ma-kok-nam	Peach.
<i>Eriobotrya</i> <i>japonica</i>	Loquat	Mediterranean, Oriental, Peach, West Indian.
<i>Eugenia</i> <i>brasiliensis</i> = <i>E.</i> <i>dombeyi</i>	Brazil-cherry, grumichama	Mediterranean, Oriental, Peach.

<i>Eugenia</i> <i>malaccensis</i>	Malay apple	Oriental.
<i>Eugenia uniflora</i>	Surinam cherry	Mediterranean, Oriental, Peach.
Botanical name	Common name(s)	Fruit fly
<i>Euphoria longan</i>	Longan	Oriental.
<i>Ficus</i> <i>benghalensis</i>	Fig, Banyan	Peach.
<i>Ficus carica</i>	Fig	Mediterranean, Melon, Oriental, Peach.
<i>Ficus</i> <i>macrophylla</i>	Fig, Moreton Bay	Peach.
<i>Ficus retusa</i>	Fig, glossy leaf	Peach.
<i>Ficus rubiginosa</i>	Fig, Port Jackson	Peach.
<i>Ficus</i> spp	Fig	Peach.
<i>Fortunella</i> <i>japonica</i>	Chinese Orange, Kumquat	Mediterranean, Oriental, Peach.
<i>Garcinia</i> <i>celebica</i>	Gourka	Oriental.
<i>Garcinia</i> <i>mangostana</i>	Mangosteen	Oriental.
<i>Grewia asiatica</i>	Phalsa	Peach.
<i>Jubaea</i> <i>chilensis</i> = <i>Jubaea</i> <i>spectabilis</i>	Syrup palm	Oriental.
<i>Juglans hindsii</i>	Walnut	Oriental.
<i>Juglans regia</i>	Walnut, English	Oriental.
<i>Juglans</i> spp	Walnut with husk	Mediterranean.
<i>Lablab</i> <i>purpureus</i> subsp. <i>purpureus</i> = <i>Dolichos lablab</i>	Bean, hyacinth	Melon.
<i>Lagenaria</i> spp	Gourds	Melon, Peach.
<i>Luffa</i> <i>acutangula</i>	Gourd, ribbed or ridged, luffa	Peach.
<i>Luffa aegyptiaca</i>	Gourd, smooth luffa, sponge	Peach.
<i>Luffa</i> spp	Gourds	Melon, Peach.
<i>Luffa vulgaris</i>	Gourd	Peach.
<i>Lychee</i> <i>chinensis</i>	Lychee nut	Oriental.
<i>Lycopersicon</i> <i>esculentum</i>	Tomato	Mediterranean, <sup>4</sup> Melon, Oriental, Peach.
<i>Madhuca indica</i> = <i>Bassia latifolia</i>	Mahua, mowra- buttertree	Peach.
<i>Malpighia glabra</i>	Cherry, Barbados	Oriental, West Indian.
<i>Malpighia</i> <i>punicifolia</i>	West Indian cherry	Oriental.
<i>Malus sylvestris</i>	Apple	Mediterranean, Melon, Mexican, Oriental, Sapote, Peach.
<i>Mammea</i> <i>americana</i>	Mammy apple	Mexican, Oriental, Peach, Sapote.
<i>Mangifera</i> <i>foetida</i>	Mango, Bachang	Peach.

<i>Mangifera indica</i>	Mango	All.
<i>Mangifera odorata</i>	Kuine	Peach.

Botanical name	Common name(s)	Fruit fly
<i>Manilkara hexandra</i>	Sapodilla, balata	Peach.
<i>Manilkara jaimiqui</i> subsp. <i>emarginata</i>	Sapodilla, wild	Peach.
<i>Manilkara zapota</i>	Sapodilla, chiku	Oriental, Peach, Sapote, West Indian.
<i>Mimusops elengi</i>	Spanish cherry	Mediterranean, Oriental.
<i>Momordica balsamina</i>	Balsam apple, hawthorn	Peach.
<i>Momordica charantia</i>	Balsam pear, bitter melon	Peach.
<i>Momordica cochinchinensis</i>	Balsam apple, gac	Peach.
<i>Momordica</i> spp	Gourds	Melon, Peach.
<i>Morus nigra</i>	Mulberry	Oriental.
<i>Murraya exotica</i>	Mock orange	Mediterranean, Oriental.
<i>Musa x paradisiaca</i> = <i>Musa paradisiaca</i> subsp. <i>sapientum</i>	Banana	Oriental.
<i>Musa acuminata</i> = <i>Musa nana</i>	Banana, dwarf	Oriental.
<i>Ochrosia elliptica</i>	Orange, bourbon	Peach.
<i>Olea europea</i>	Olive	Mediterranean.
<i>Opuntia ficus-indica</i> = <i>Opuntia megacantha</i>	Prickly pear	Oriental.
<i>Opuntia</i> spp	Opuntia cactus	Mediterranean.
<i>Passiflora edulis</i>	Passionflower, passionfruit, yellow lilikoi	Melon, Oriental, West Indian.
<i>Passiflora laurifolia</i>	Lemon, water	Melon.
<i>Passiflora ligularis</i>	Granadilla, sweet	Oriental.
<i>Passiflora quadrangularis</i>	Granadilla, giant	West Indian.
<i>Passiflora tripartita</i> var. <i>mollissima</i>	Passionflower, softleaf	Oriental.
<i>Persea americana</i>	Avocado	Mediterranean, Melon, Mexican, Oriental, Peach, Sapote.
<i>Phaseolus lunatus</i> = <i>Phaseolus limensis</i>	Bean, lima	Melon.
<i>Phaseolus vulgaris</i>	Bean, mung	Melon.
<i>Phoenix dactylifera</i>	Date palm	Mediterranean, Melon, Oriental, Peach.
<i>Planchonia careya</i> = <i>Careya arborea</i>	Patana oak, kumbhi	Peach.
<i>Pouteria caimito</i>	Abiu	Sapote.

<i>Pouteria campechiana</i>	Eggfruit tree	Oriental, Sapote.
<i>Pouteria obovata</i>	Lucmo	Sapote.
Botanical name	Common name(s)	Fruit fly
<i>Pouteria viridis</i>	Sapote, green	Sapote.
<i>Prunus americana</i>	Plum, American	Mediterranean, Mexican, Oriental, Peach.
<i>Prunus armeniaca</i>	Apricot	Mediterranean, Mexican, Oriental, Peach.
<i>Prunus avium</i>	Sweet cherry	Mediterranean, Peach.
<i>Prunus cerasus</i>	Sour cherry	Mediterranean, Peach.
<i>Prunus domestica</i>	Plum, European	Mediterranean, Mexican, Oriental, Peach.
<i>Prunus dulcis</i> = <i>P. amygdalus</i>	Almond with husk	Mediterranean, Peach <sup>5</sup> .
<i>Prunus ilicifolia</i>	Cherry, Catalina	Oriental, Peach.
<i>Prunus lusitanica</i>	Cherry, Portuguese	Oriental, Peach.
<i>Prunus persica</i>	Peach	All.
<i>Prunus persica</i> var. <i>nectarine</i>	Nectarine	Mediterranean, Mexican, Oriental, Peach.
<i>Prunus salicina</i>	Japanese plum	Mediterranean, Mexican, Peach, West Indian.
<i>Prunus salicina</i> x <i>Prunus cerasifera</i>	Methley plum	Peach.
<i>Psidium cattleianum</i>	Strawberry guava, Cattley guava	Mediterranean, Melon, Oriental.
<i>Psidium cattleianum</i> var. <i>cattleianum</i> f. <i>lucidum</i>	Yellow strawberry guava	Peach.
<i>Psidium cattleianum</i> var. <i>littorale</i>	Red strawberry guava	Oriental, West Indian, Peach.
<i>Psidium guajava</i>	Guava	All.
<i>Punica granatum</i>	Pomegranate	Mediterranean, Mexican, Oriental, Peach.
<i>Pyrus communis</i>	Pear	All.
<i>Pyrus pashia</i>	Kaeth	Peach.
<i>Pyrus pyrifolia</i>	Pear, sand	Peach.
<i>Rhodomyrtus tomentosa</i>	Myrtle, downy rose	Oriental.
<i>Sandoricum koetjape</i>	Santol	Oriental.
<i>Santalum album</i>	Sandalwood, white	Oriental.
<i>Santalum paniculatum</i>	Sandalwood	Oriental.
<i>Sapotaceae</i>	Sapota, Sapodilla	Mexican.
<i>Sechium edule</i>	Chayote	Melon.
<i>Sesbania grandiflora</i>	Scarlet wisteria tree	Melon.
<i>Sicyes</i> sp	Cucumber, bur	Melon.
<i>Solanum aculeatissimum</i>	Nightshade	Peach.
<i>Solanum mauritianum</i> = <i>S. auriculatum</i>	Tobacco, wild	Peach.

<i>Solanum melongena</i>	Eggplant	Mediterranean, <sup>6</sup> Melon, Peach.
<i>Solanum muricatum</i>	Pepino	Oriental, Peach.
<b>Botanical name</b>	<b>Common name(s)</b>	<b>Fruit fly</b>
<i>Solanum pseudocapsicum</i>	Jerusalem cherry	Oriental, Peach.
<i>Solanum seaforthianum</i>	Nightshade, Brazilian	Peach.
<i>Solanum verbascifolium</i>	Nightshade, Mullein	Peach.
<i>Spondias dulcis</i> = <i>Spondias cytherea</i>	Otaheite apple, Jew plum	Oriental, West Indian.
<i>Spondias mombin</i>	Hog-plum	Sapote, West Indian.
<i>Spondias purpurea</i>	Red mombin	Sapote, West Indian.
<i>Spondias</i> spp	Spanish plum, purple mombin or Ciruela	Mexican.
<i>Spondias tuberosa</i>	Imbu	Oriental.
<i>Syzygium aquem</i>	Water apple, watery roseapple	Peach.
<i>Syzygium cumini</i>	Java plum, jambolana	Peach.
<i>Syzygium jambos</i> = <i>Eugenia jambos</i>	Rose apple	Mediterranean, Mexican, Oriental, Peach, West Indian.
<i>Syzygium malaccense</i> = <i>Eugenia malaccensis</i>	Mountain apple, Malay apple	Mediterranean, Peach, West Indian.
<i>Syzygium samarangense</i>	Java apple	Peach.
<i>Terminalia bellirica</i>	Myrobalan, belleric	Peach.
<i>Terminalia catappa</i>	Tropical almond	Oriental, Peach.
<i>Terminalia chebula</i>	Myrobalan, black or chebulic	Mediterranean, Oriental, Peach.
<i>Thevetia peruviana</i>	Yellow oleander	Mediterranean, Oriental.
<i>Trichosanthis</i> spp	Gourds	Melon, Peach.
<i>Vaccinium</i> spp	Blueberry	Mediterranean.
<i>Vigna unguiculata</i>	Cowpea	Melon.
<i>Vitis</i> spp	Grapes	Mediterranean, Oriental.
<i>Vitis trifolia</i>	Grape	Melon.
<i>Wikstroemia phillyreifolia</i>	Akia	Oriental.
<i>Ziziphus mauritiana</i>	Chinese date, jujube	Peach.

<sup>1</sup>Sour limes are not regulated articles for Mexican fruit fly.

<sup>2</sup> Only yellow lemons are regulated articles for Mediterranean fruit fly.

<sup>3</sup>Eureka, Lisbon, and Villa Franca cultivars (smooth-skinned sour lemon) are not regulated articles for Mexican fruit fly.

<sup>4</sup>Only pink and red ripe tomatoes are regulated articles for Mediterranean fruit fly.

<sup>5</sup>Harvested almonds with dried husks are not regulated articles for peach fruit fly.

<sup>6</sup>Commercially produced eggplants are not regulated articles for Mediterranean fruit fly.

**2. Plants of the following species in the family Curcubitaceae are regulated articles for the melon fruit fly only:**

- Cantaloupe ( *Cucumis melo* )
- Chayote ( *Sechium edule* )
- Colocynth ( *Citrullus colocynthis* )
- Cucumber ( *Cucumis sativus* )
- Cucumber, bur ( *Sicyes* spp.)
- Cucurbit ( *Cucumis pubescens* and *C. trigonus* )
- Cucurbit, wild ( *Cucumis trigonus* )
- Gherkin, West India ( *Cucumis angaria* )
- Gourds ( *Coccinia*, *Crescentia*, *Lagenaria*, *Luffa*, *Momordica*, and *Trichosanthis* spp.)
- Gourd, angled luffa ( *Luffa acutangula* )
- Gourd, balsam apple ( *Momordica balsamina* )
- Gourd, ivy ( *Coccinia grandis* )
- Gourd, kakari ( *Momordica dioica* )
- Gourd, serpent cucumber ( *Trichosanthis anguina* )
- Gourd, snake ( *Trichosanthis cucumeroides* )
- Gourd, sponge ( *Luffa aegyptiaca* )
- Gourd, white flowered ( *Lagenaria siceraria* )
- Melon, Chinese ( *Benincasa hispida* )
- Melon, long ( *Cucumis utilissimus* )
- Pumpkin ( *Cucurbita pepo* )
- Pumpkin, Canada ( *Cucurbita moschata* )
- Squash ( *Cucurbita maxima* )
- Watermelon ( *Citrullus lanatus* = *Citrullus vulgaris* )

**3. Soil within the dripline of the plants listed in paragraph (2) of this section or plants that are producing or have produced any article listed in paragraph (1) of this section.**

**4. Any other product, article, or means of conveyance not listed in paragraphs (1), (2), or (3) of this section that an inspector determines presents a risk of spreading fruit flies, when the inspector notifies the person in possession of the product, article, or means of conveyance that it is subject to the restrictions of this subpart.**

**D. Restrictions on interstate movement of regulated articles.**

1. No person may move interstate from any quarantined area any regulated article except in accordance with this subpart.<sup>1</sup>

<sup>1</sup> Permit and other requirements for the interstate movement of any of the fruit flies regulated under this subpart are contained in 7 CFR 330.

2. Section 414 of the Plant Protection Act (7 U.S.C. 7714) provides that the Secretary of Agriculture may, under certain conditions, hold, seize, quarantine, treat, apply other remedial measures to, destroy, or otherwise dispose of any plant, plant pest, plant product, article, or means of conveyance that is moving, or has moved into or through the United States or interstate if the Secretary has

reason to believe the article is a plant pest or is infested with a plant pest at the time of movement.

**E. Conditions governing the interstate movement of regulated articles from quarantined areas.**

Any regulated article may be moved interstate from a quarantined area only if moved under the following conditions:

**1. With a certificate or limited permit issued and attached;**

**2. Without a certificate or limited permit if:**

- a. The regulated article originated outside the quarantined area and is either moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by fruit flies (such as canvas, plastic, or other closely woven cloth) while moving through the quarantined area; and
- b. The point of origin of the regulated article is indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area; and
- c. 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.

**3. Without a certificate or limited permit if the regulated article is moved:**

- a. By the United States Department of Agriculture for experimental or scientific purposes;
- b. Pursuant to a permit issued by the Administrator for the regulated article;
- c. Under conditions specified on the permit and found by the Administrator to be adequate to prevent the spread of fruit flies; and
- d. With a tag or label bearing the number of the permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in a container.

**F. Issuance and cancellation of certificates and limited permits.**

**1. A certificate** may be issued by an inspector for the interstate movement of a regulated article if the inspector determines that:

- a. The regulated article has been treated under the direction of an inspector in accordance with §301.32-10; or

Based on inspection of the premises of origin, the premises are free from fruit flies; or

Based on inspection of the regulated article, the regulated article is free of fruit flies; and

- b. The regulated article will be moved through the quarantined area in an enclosed vehicle or will be completely enclosed by a covering adequate to prevent access by fruit flies; and
- c. The regulated article is to be moved in compliance with any additional emergency conditions the Administrator may impose under

section 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the spread of fruit flies; and

- d. The regulated article is eligible for unrestricted movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

**2. An inspector will issue a limited permit** for the interstate movement of a regulated article if the inspector determines that:

- a. The regulated article is to be moved interstate to a specified destination for specified handling, processing, or utilization (the destination and other conditions to be listed in the limited permit), and this interstate movement will not result in the spread of fruit flies because life stages of the fruit flies will be destroyed by the specified handling, processing, or utilization;
- b. The regulated article is to be moved in compliance with any additional emergency conditions the Administrator may impose under section 414 of the Plant Protection Act (7 U.S.C. 7714) to prevent the spread of fruit flies; and
- c. The regulated article is eligible for interstate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated article.

**3. Certificates and limited permits** for the interstate movement of regulated articles may be issued by an inspector or person operating under a compliance agreement. A person operating under a compliance agreement may issue a certificate for the interstate movement of a regulated article if an inspector has determined that the regulated article is eligible for a certificate in accordance with paragraph (1) of this section. A person operating under a compliance agreement may issue a limited permit for interstate movement of a regulated article when an inspector has determined that the regulated article is eligible for a limited permit in accordance with paragraph (2) of this section.

**4. Any certificate or limited permit** that has been issued may be withdrawn, either orally or in writing, by an inspector if he or she determines that the holder of the certificate or limited permit has not complied with all conditions in this subpart for the use of the certificate or limited permit. If the withdrawal is oral, the withdrawal and the reasons for the withdrawal will be confirmed in writing as promptly as circumstances allow. Any person whose certificate or limited permit has been withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal must state all of the facts and reasons upon which the person relies to show that the certificate or limited permit was wrongfully withdrawn. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

**G. Compliance agreements and cancellation.**

1. Any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement when an inspector determines that the person is aware of this subpart, agrees to comply with its provisions, and agrees to comply with all the provisions contained in the compliance agreement.<sup>5</sup>

<sup>5</sup> Compliance agreement forms are available without charge from the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Emergency and Domestic Programs, 4700 River Road Unit 134, Riverdale, MD 20737-1236, and from local PPQ offices, which are listed in telephone directories.

- a. Any compliance agreement may be canceled, either orally or in writing, by an inspector whenever the inspector finds that the person who has entered into the compliance agreement has failed to comply with any of the conditions of this subpart or with any of the provisions of the compliance agreement. If the cancellation is oral, the cancellation and the reasons for the cancellation will be confirmed in writing as promptly as circumstances allow. Any person whose compliance agreement has been canceled may appeal the decision, in writing, within 10 days after receiving written notification of the cancellation. The appeal must state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. As promptly as circumstances allow, the Administrator will grant or deny the appeal, in writing, stating the reasons for the decision. A hearing will be held to resolve any conflict as to any material fact. Rules of practice concerning a hearing will be adopted by the Administrator.

#### H. Assembly and inspection of regulated articles.

1. Any person, other than a person authorized to issue certificates or limited permits under 7CFR 301.32-5(c), who desires to move a regulated article interstate accompanied by a certificate or limited permit must notify an inspector as far in advance of the desired interstate movement as possible, but no less than 48 hours before the desired interstate movement.
2. The regulated article must be assembled at the place and in the manner the inspector designates as necessary to comply with this subpart.

#### I. Attachment and disposition of certificates and limited permits.

1. A certificate or limited permit required for the interstate movement of a regulated article must, at all times during the interstate movement, be:
  - a. Attached to the outside of the container containing the regulated article; or
  - b. Attached to the regulated article itself if not in a container; or
  - c. Attached to the consignee's copy of the accompanying waybill: Provided, however, that if the certificate or limited permit is attached to the consignee's copy of the waybill, the regulated article must be sufficiently described on the certificate or limited permit and on the waybill to identify the regulated article.
2. The certificate or limited permit for the interstate movement of a regulated article must be furnished by the carrier to the consignee listed on the certificate or limited permit upon arrival at the location provided on the certificate or limited permit.

#### J. Treatments.

1. Refer to the full text of 7CFR 301.98-10 for treatment options. Treatment schedules listed in 7 CFR 305 to destroy fruit flies are authorized for use on regulated

articles. The following treatments also may be used for the regulated articles indicated:

- a. *Soil within the dripline of plants that are producing or have produced regulated articles listed 7 CFR 301.32(a) or (b).* The following soil treatments may be used: Apply diazinon at the rate of 5 pounds active ingredient per acre to the soil within the dripline with sufficient water to wet the soil to at least a depth of 0.5 inch. Both immersion and pour-on treatment procedures are also acceptable.
- b. *Premises.* Fields, groves, or areas that are located within a quarantined area but outside the infested core area and that produce regulated articles may receive regular treatments with either malathion or spinosad bait spray as an alternative to treating fruits and vegetables as provided in 7 CFR 305. These treatments must take place at 6- to 10-day intervals, starting a sufficient time before harvest (but not less than 30 days before harvest) to allow for development of fruit fly egg and larvae. Determination of the time period must be based on the day degrees model for the specific fruit fly. Once treatment has begun, it must continue through the harvest period. The malathion bait spray treatment must be applied by aircraft or ground equipment at a rate of 2.4 oz of technical grade malathion and 9.6 oz of protein hydrolysate per acre. The spinosad bait spray treatment must be applied by aircraft or ground equipment at a rate of 0.01 oz of a USDA-approved spinosad formulation and 48 oz of protein hydrolysate per acre. For ground applications, the mixture may be diluted with water to improve coverage.