

enclosure accessed through doors that are closed and secured with a lock or seal. Sealed (sealable) containers used for sea shipments are distinct and separable from the means of conveyance carrying them when arriving in and in transit through the continental United States. Sealed (sealable) containers used for air shipments are distinct and separable from the means of conveyance carrying them before any transloading in the continental United States. Sealed (sealable) containers used for air shipments after transloading in the continental United States or for overland shipments in the continental United States may either be distinct and separable from the means of conveyance carrying them, or be the means of conveyance itself.

*State.* Each of the 50 States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States, and all other territories and possessions of the United States.

*Transit permit.* A written authorization issued by the Administrator for the movement of fruits and vegetables en route to a foreign destination that are otherwise prohibited movement by this subpart into or through the continental United States. Transit permits authorize one or more shipments over a designated period of time.

*Transloading.* The transfer of cargo from one sealable container to another, from one means of conveyance to another, or from a sealable container directly into a means of conveyance.

*United States.* The States, District of Columbia, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

[24 FR 10777, Dec. 29, 1959, as amended at 28 FR 13280, Dec. 7, 1963; 33 FR 14621, Oct. 1, 1968; 36 FR 24917, Dec. 24, 1971; 37 FR 10554, May 25, 1972; 45 FR 42242, June 24, 1980; 52 FR 8864, Mar. 20, 1987; 54 FR 391, Jan. 6, 1989; 55 FR 38979, Sept. 24, 1990; 56 FR 59207, Nov. 25, 1991; 58 FR 7958, Feb. 11, 1993; 59 FR 66641, Dec. 28, 1994; 61 FR 5924, Feb. 15, 1996; 62 FR 36974, July 10, 1997]

#### § 318.13-2 Regulated articles.

(a)(1) *Prohibited movement.* Fruits, vegetables, and other products specified in § 318.13, and not eligible for inspection and certification under

§ 318.13-4 or otherwise expressly authorized movement either in the regulations in this subpart or in administrative instructions issued by the Administrator of the Animal and Plant Health Inspection Service are prohibited movement.

(2) Avocados which have been moved to Alaska in accordance with § 318.13-4g are prohibited movement from Alaska into or through other places in the continental United States, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

(b) *Regulated movement.* The movement of the following fruits and vegetables from Hawaii is allowed throughout the year upon compliance with the regulations in this subpart:

Aechmea bracteata (Sw.) Griseb, fruit-bearing panicles.  
 Allium spp., such as chives, garlic, leek, onions, and shallot.  
 Arrowhead (Sagittaria sagittifolia).  
 Arrowroot (Maranta arundinacea).  
 Artichoke, globe (Cynara scolymus).  
 Artichoke, Jerusalem (Helianthus tuberosus).  
 Asparagus (Asparagus officinalis).  
 Bean sprouts, soy (Glycine hispida).  
 Bean sprouts, mungo (Phaseolus aureus).  
 Beets (Beta vulgaris).  
 Broccoli (Brassica oleracea (Botrytis group)).  
 Brussel sprouts (Brassica oleracea (Gemifera group)).  
 Burdock, great (Arctium lappa, Lappa major, L. edulis).  
 Butterbur (Petasites japonicus).  
 Cabbage (Brassica oleracea).  
 Cabbage, Chinese (Brassica pekinensis, B. chinensis).  
 Carrot (Daucus carota sativa).  
 Cassava (Manihot sp.).  
 Cauliflower (Brassica oleracea [Botrytis group]).  
 Celery (Apium graveolens).  
 Chinese spinach (Amaranthus gangeticus).  
 Chrysanthemum, garland (Chrysanthemum coronarium).  
 Coriander (Coriandrum sativum).  
 Dandelion (Taraxacum officinale).  
 Dropwort, water (Oenanthe stolonifera).  
 Durian (Durio zibethinus).  
 Foxheads or Nipple fruits (Solanum mammosum).  
 Ginger bracts (Zingiber mioga).  
 Ginger root (Zingiber officinale).  
 Honewort (Cryptotaenia canadensis).  
 Jesuit's nut (Trapa bicornis, T. natans).  
 Kudzu (Pueraria thunbergiana).  
 Lettuce (Lactuca sativa).  
 Lily root (Nelumbium nucifera).

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Mahogany fruit (*Swietenia mahagoni* (L.) Jacq.).  
Mustard greens (*Brassica* spp.).  
Mugwort (*Artemisia vulgaris*).  
Nightshade, Malabar (*Bassella rubra*).  
Parsley (*Petroselinum hortense*).  
Perilla (*Perilla frutescens*).  
Pineapples (*Ananas sativa*), smooth Cayenne.  
Pineapple hybrids 53-116, 59-433, D10, and D20 (*Ananas Sativa*).  
Potato (*Solanum tuberosum*).  
Radish greens (*Raphanus sativus longipinnatus*).  
Radish, oriental (*Raphanus sativus longipinnatus*).  
Rhubarb (*Rheum rhaponticum*).  
Sausage fruit (*Kigelia pinnata* (Jacq.)).  
Spinach (*Spinacia oleracea*).  
Sweet corn (*Zea mays*).  
Taro root, shoots and stalks (*Colocasia antiquorum esculentum*).  
Turnips (*Brassica rapa*).  
Watercress (*Nasturtium officinale*).  
Waternut (waterchestnut) (*Eleocharis dulcis* (E. tuberosa) (*Scirpus tuberosus*)).  
Wood rose (*Ipomoea tuberosa* L.).  
Yam bean root (*Pachyrhizus erosus*).  
Yams *Dioscorea* (spp.).

*Provided*, That additions of other fruits and vegetables may be made to the foregoing list of regulated articles by the Administrator of the Animal and Plant Health Inspection Service when he determines that such fruits or vegetables, either as ordinarily packed and shipped or after treatment, do not involve risk of spreading any of the plant pests designated in the foregoing quarantine, and when such findings have been made known in administrative instructions of the Deputy Administrator of the Plant Protection and Quarantine Programs.

[24 FR 10777, Dec. 29, 1959, as amended at 27 FR 8345, Aug. 22, 1962; 27 FR 8907, Sept. 7, 1962; 30 FR 5619, Apr. 21, 1965; 33 FR 14621, Oct. 1, 1968; 34 FR 4879, Mar. 6, 1969; 36 FR 24917, Dec. 24, 1971; 44 FR 10701, Feb. 23, 1979; 45 FR 42242, June 24, 1980; 52 FR 8864, Mar. 20, 1987; 55 FR 38979, Sept. 24, 1990; 59 FR 66641, Dec. 28, 1994; 63 FR 65648, Nov. 30, 1998]

#### §318.13-3 Conditions of movement.

(a) *To any destination.* Any regulated articles may be moved interstate from Hawaii in accordance with this subpart to any destination if:

(1) The movement is authorized by a valid certificate issued in accordance with §318.13-4 (a) or (b) and the movement complies with the conditions of

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any applicable compliance agreement made under §318.13-4(d), or

(2) The movement is exempted from certificates or limited permit requirements by administrative instructions in this subpart.

(b)(1) *To restricted destinations.* Smooth Cayenne pineapples; fresh fruit cocktail; inflight baskets of fruit; and cut flowers as defined in §318.13-1 (except cut blooms of gardenia, mauna loa, and jade vine, and leis thereof) may be moved interstate from Hawaii under limited permit, to a destination specified in the permit, directly from an establishment operated in accordance with the terms of a compliance agreement executed by the operator of the establishment, if the articles have not been exposed to infestation and they are not accompanied by any articles prohibited interstate movement under this subpart.

(2) Avocados may be moved interstate from Hawaii to Alaska if the provisions of §318.13-4g are met, and if they are accompanied by a limited permit issued by an APHIS inspector in accordance with §318.13-4(c).

(3) Untreated fruits and vegetables from Hawaii may be moved interstate for irradiation treatment on the mainland United States if the provisions of §318.13-4f are met and if the fruits and vegetables are accompanied by a limited permit issued by an inspector in accordance with §318.13-4(c). The limited permit will be issued only if the inspector examines the shipment and determines that the shipment has been prepared in compliance with the provisions of this subpart.

(c) *To a foreign destination after transiting the continental United States.* Fruits and vegetables from Hawaii otherwise prohibited movement from the State of Hawaii into or through the continental United States by this subpart may transit the continental United States en route to a foreign destination when moved in accordance with §318.13-17 of this subpart.

(d) *Segregation of certified articles.* Articles certified after treatment in accordance with §318.13-4(b), taken aboard any ship, vessel, other surface craft, or aircraft in Hawaii must be segregated and protected in a manner as required by the inspector.