

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3591.15

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2024-1112-01

OAL Matter Type: Regular Resubmittal (SR)

In this rulemaking action the California Department of Food and Agriculture updates the host list for Melon Fruit Fly.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2025.

Date: December 19, 2024



Sam Micon
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Karen Ross, Secretary
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

RESUBMITTAL

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2024-1112-01	EMERGENCY NUMBER SR
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

DEC 19 2024
1:53 PM AB

OFFICE OF ADMIN. LAW
2024 NOV 12 AM 9:51

AGENCY WITH RULEMAKING AUTHORITY
Department of Food and Agriculture

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2024, 21-2	PUBLICATION DATE 5/24/24	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Melon Fruit Fly Eradication Area	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2024-0722-01
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3591.15
TITLE(S) 3	REPEAL
3. TYPE OF FILING	
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)	
<input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only	
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) 10/10/24 - 10/25/24	
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11346.1(d); Cal. Code Regs., title 1, §100) <input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____	
7. CONTACT PERSON Rachel Avila	TELEPHONE NUMBER 916-698-2947
FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)

PER AGENCY REQUEST
SAM

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SAM

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE Victoria Hornbaker <small>Digitally signed by Victoria Hornbaker Date: 2024.11.08 13:35:43 -0800</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY Victoria Hornbaker, Director Plant Health & Pest Prevention Services Division	

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ENDORSED APPROVED

DEC 19 2024

Office of Administrative Law

Amend the following:

§ 3591.15. Melon Fruit Fly Eradication Area.

...

(b) Hosts.

(1) Fruit of the following plants: The berries, fruits, nuts, and vegetables, of the following plant species are considered host articles for Melon fruit fly. Melon fruit fly is also able to infest flowers, fleshy leaves and stems of some cucurbits, so for the following genera and species, those plant parts are also regulated: *Benincasa hispida*, *Citrullus colocynthis*, *Citrullus lanatus*, *Coccinia* spp., *Cucumis ancuria*, *Cucumis melo*, *Cucurbita maxima*, *Cucurbita moschata*, *Cucurbita pepo*, *Lagenaria* spp., *Luffa* spp., *Momordica* spp., *Sechium edule*, *Sicyos* spp. and *Trichosanthes* spp. In addition, all cultivars, varieties, and hybrids of the plant species listed are assumed to be suitable hosts unless noted in the footnotes to this table.

<i>Common Name</i>	<i>Scientific Name</i>
Apple	<i>Malus sylvestris</i>
Apple, Custard	<i>Annona reticulata</i>
Avocado	<i>Persea americana</i>
Bean, hyacinth	<i>Lablab purpureus</i> subsp. <i>Purpureus</i> [<i>Dolichos lablab</i>]
Bean, lima	<i>Phaseolus lunatus</i> [<i>Phaseolus limensis</i>]
Bean, mung	<i>Phaseolus radiatus</i>
Bean, string	<i>Phaseolus vulgaris</i>
Cantaloupe	<i>Cucumis melo</i> <i>Cucumis melo</i> var. <i>cantalupensis</i>
Cauliflower	<i>Brassica oleracea</i> var. <i>botrytis</i>
Chayote	<i>Sechium edule</i>
Colocynth	<i>Citrullus colocynthis</i>
Cowpea	<i>Vigna unguiculata</i>
Cucumber	<i>Cucumis sativus</i>
Cucumber, bur	<i>Sicyos</i> sp.
Cueurbit	<i>Cucumis pubescens</i> <i>Cucumis trigonus</i>
Date palm	<i>Phoenix dactylifera</i>
Eggplant	<i>Solanum melongena</i>
Fig, common	<i>Ficus carica</i>
Gourds	<i>Coccinia</i> spp. <i>Crescentia</i> spp. <i>Lagenaria</i> spp. <i>Luffa</i> spp. <i>Momordica</i> spp. <i>Trichosanthes</i> spp.

Guava	<i>Psidium guajava</i>
Guava, cattley	<i>Psidium cattleianum</i>
Mango	<i>Mangifera indica</i>
Melon	<i>Citrullus</i> sp.
Melon, Chinese	<i>Benincasa hispida</i>
Melon, Oriental pickling	<i>Cucumis melo</i> var. <i>conomon</i>
Mustard, leaf	<i>Brassica juncea</i>
Okra	<i>Hibiscus esculentus</i>
Orange, king	<i>Citrus nobilis</i>
Orange, mandarin	<i>Citrus reticulata</i>
Orange, sweet	<i>Citrus sinensis</i>
Papaya, common	<i>Carica papaya</i>
Passion fruit	<i>Passiflora edulis</i>
Peach	<i>Prunus persica</i>
Pear	<i>Pyrus communis</i>
Pepper	<i>Capsicum annum</i>
Pepper, chili	<i>Capsicum annum</i>
Pepper, tabasco	<i>Capsicum frutescens</i>
Pumpkin	<i>Cucurbita pepo</i>
Pumpkin, Canada	<i>Cucurbita moschata</i>
Scarlet wisteria tree	<i>Sesbania grandiflora</i>
Soursop	<i>Annona muricata</i>
Squash	<i>Cucurbita maxima</i>
Threeleaf cayratia	<i>Cayratia trifolia</i>
Tomato	<i>Lycopersicon esculentum</i> (pink to red ripe)
Tomato, tree	<i>Cyphomandra betaeaeae</i>
Water lemon	<i>Passiflora laurifolia</i>
Watermelon	<i>Citrullus lanatus</i> [<i>Citrullus vulgaris</i>]

(2) Plants of the following species in the Cucurbitaceae:

Common Name	Scientific Name
Cantaloupe	<i>Cucumis melo</i>
Chayote	<i>Sechium edule</i>
Coleynth	<i>Citrullus colocynthis</i>
Cucumber	<i>Cucumis sativus</i>
Cucumber, bur	<i>Sicyos</i> sp.
Cucurbit, wild	<i>Cucumis pubescens</i>
	<i>Cucumis trigonus</i>
Gherkin, West Indian	<i>Cucumis angaria</i>
Gourds	<i>Coccinia</i> spp.
	<i>Crescentia</i> spp.
	<i>Lagenaria</i> spp.

	<i>Luffa</i> spp.
	<i>Momordica</i> spp.
	<i>Trichosanthes</i> spp.
Gourd, angled luffa	<i>Luffa acutangula</i>
Gourd, balsam apple	<i>Momordica balsamina</i>
Gourd, balsam pear	<i>Momordica dioica</i>
Gourd, ivy	<i>Coccoloba grandis</i>
Gourd, kakari	<i>Momordica cochinchinensis</i>
Gourd, pointed	<i>Trichosanthes dioica</i>
Gourd, serpent cucumber	<i>Trichosanthes anguina</i>
Gourd, snake	<i>Trichosanthes cucumeroides</i>
Gourd, sponge	<i>Luffa aegyptiaca</i>
Gourd, white-flowered	<i>Lagenaria siceraria</i>
Melon, Chinese	<i>Benincasa hispida</i>
Melon, long	<i>Cucumis utlissimus</i>
Pumpkin	<i>Cucurbita pepo</i>
Pumpkin, Canada	<i>Cucurbita moschata</i>
Squash	<i>Cucurbita maxima</i>
Watermelon	<i>Citrullus lanatus</i> [<i>Citrullus vulgaris</i>]

<u>Scientific Name</u>	<u>Common Name</u>
<u><i>Abelmoschus esculentus</i> (L.) Moench</u>	<u>Okra</u>
<u><i>Abelmoschus moschatus</i> Medik.</u>	<u>Musk okra</u>
<u><i>Adenia hondala</i> (Gaertn.) W. J. de Wilde</u>	<u>Hondala</u>
<u><i>Anacardium occidentale</i> L.</u>	<u>Cashew¹</u>
<u><i>Annona senegalensis</i> Pers.</u>	<u>Wild custard apple</u>
<u><i>Artocarpus heterophyllus</i> Lam.</u>	<u>Jackfruit</u>
<u><i>Averrhoa carambola</i> L.</u>	<u>Starfruit</u>
<u><i>Baccaurea angulata</i> Merr.</u>	<u>Red angle tampoi</u>
<u><i>Benincasa fistulosa</i> (Stocks) H. Schaef. & S. S. Renner</u>	<u>Round gourd</u>
<u><i>Benincasa hispida</i> (Thunb.) Cogn.</u>	<u>Ash gourd</u>
<u><i>Brassica juncea</i> (L.) Czern.</u>	<u>Brown mustard²</u>
<u><i>Capparis sepiaria</i> L.</u>	<u>N/A</u>
<u><i>Capparis thorelii</i> Gagnep.</u>	<u>N/A</u>
<u><i>Capsicum annuum</i> L.</u>	<u>Sweet pepper, bell pepper</u>
<u><i>Capsicum frutescens</i> L.</u>	<u>Bird pepper</u>
<u><i>Carica papaya</i> L.</u>	<u>Papaya</u>
<u><i>Citrullus amarus</i> Schrad.</u>	<u>Citron melon</u>
<u><i>Citrullus colocynthis</i> (L.) Schrad.</u>	<u>Bitter apple</u>

<u><i>Citrullus lanatus</i> (Thunb.) Matsum. & Nakai</u>	<u>Watermelon</u>
<u><i>Citrus hystrix</i> DC.</u>	<u>Kaffir lime</u>
<u><i>Citrus maxima</i> (Burm.) Merr.</u>	<u>Pummelo, pomelo</u>
<u><i>Citrus paradisi</i> Macfad.</u>	<u>Grapefruit</u>
<u><i>Citrus reticulata</i> Blanco</u>	<u>Mandarin</u>
<u><i>Citrus sinensis</i> (L.) Osbeck</u>	<u>Orange</u>
<u><i>Coccinia grandis</i> (L.) Voigt</u>	<u>Ivy gourd</u>
<u><i>Coffea arabica</i> L.</u>	<u>Arabian coffee</u>
<u><i>Cucumis anguria</i> L.</u>	<u>Pepino cimarrón</u>
<u><i>Cucumis dipsaceus</i> Ehrenb. Ex Spach</u>	<u>Hedgehog cucumber</u>
<u><i>Cucumis maderaspatanus</i> L.</u>	<u>Sträv mukreva</u>
<u><i>Cucumis sativus</i> L.</u>	<u>Cucumber</u>
<u><i>Cucumis melo</i> L.</u>	<u>Melon, Oriental pickling melon, cantaloupe, snake melon, honeydew melon</u>
<u><i>Cucumis</i> spp.</u>	<u>Melon, cucumber, cantaloupe</u>
<u><i>Cucurbita maxima</i> Duchesne</u>	<u>Pumpkin</u>
<u><i>Cucurbita moschata</i> Duchesne</u>	<u>Butternut squash</u>
<u><i>Cucurbita pepo</i> L.</u>	<u>Bitter bottle gourd, acorn squash, spaghetti squash</u>
<u><i>Cucurbita</i> spp.</u>	<u>Pumpkin, squash, gourd</u>
<u><i>Cyclanthera pedata</i> (L.) Schrad.</u>	<u>Lady's slipper</u>
<u><i>Cydonia oblonga</i> Mill.</u>	<u>Quince</u>
<u><i>Diplocyclos palmatus</i> (L.) C. Jeffrey</u>	<u>Lollipop climber</u>
<u><i>Dracaena curtisii</i> Ridl.</u>	<u>N/A</u>
<u><i>Dracontomelon dao</i> (Blanco) Merr. & Rolfe</u>	<u>Argus pheasant tree</u>
<u><i>Eriobotrya japonica</i> (Thunb.) Lindl.</u>	<u>Loquat</u>
<u><i>Ficus carica</i> L.</u>	<u>Fig</u>
<u><i>Ficus chartacea</i> Wall. Ex King</u>	<u>N/A</u>
<u><i>Ficus erecta</i> Thunb.</u>	<u>Ai xiao tian xian guo</u>
<u><i>Ficus pumila</i> L.</u>	<u>Climbing fig</u>
<u><i>Fragaria vesca</i> L.</u>	<u>Wild strawberry</u>
<u><i>Gymnopetalum scabrum</i> (Lour.) W. J. de Wilde & Duyfjes</u>	<u>N/A</u>
<u><i>Hylocereus undatus</i> (Haw.) Britton & Rose</u>	<u>Dragon fruit, Pitaya</u>
<u><i>Juglans hindsii</i> (Jeps.) R. E. Sm.</u>	<u>Hind's black walnut³</u>
<u><i>Lablab purpureus</i> (L.)</u>	<u>Lablab bean</u>
<u><i>Lagenaria siceraria</i> (Molina) Standl.</u>	<u>Bottle gourd</u>
<u><i>Lagenaria sphaerica</i> (Sond.) Naudin</u>	<u>Kanonkulspumpa</u>
<u><i>Luffa acutangula</i> (L.) Roxb.</u>	<u>Angled loofah</u>

<u><i>Luffa aegyptiaca</i> Mill.</u>	<u>Smooth loofah</u>
<u><i>Luffa</i> spp.</u>	<u>Loofah</u>
<u><i>Maerua siamensis</i> (Kurz) Pax</u>	<u>N/A</u>
<u><i>Mangifera indica</i> L.</u>	<u>Mango</u>
<u><i>Manilkara zapota</i> (L.) P. Royen</u>	<u>Sapote</u>
<u><i>Melothria sphaerocarpa</i> (Cogn.) H. Schaeff. & S. S. Renner</u>	<u>Dark egusi</u>
<u><i>Momordica balsamina</i> L.</u>	<u>Balsam apple</u>
<u><i>Momordica charantia</i> L.</u>	<u>Bitter melon, Balsam apple</u>
<u><i>Momordica cochinchinensis</i> (Lour.) Spreng.</u>	<u>Balsam pear</u>
<u><i>Momordica dioica</i> Roxb. Ex Willd.</u>	<u>Spine gourd</u>
<u><i>Momordica foetida</i> Schumacher.</u>	<u>N/A</u>
<u><i>Momordica</i> spp.</u>	<u>Balsam apple, balsam pear, spine gourd</u>
<u><i>Momordica trifoliolata</i> Hook. F.</u>	<u>N/A</u>
<u><i>Musa x paradisiaca</i> L.</u>	<u>Banana⁴</u>
<u><i>Pandanus fascicularis</i> Lam.</u>	<u>Padang</u>
<u><i>Passiflora edulis</i> Sims</u>	<u>Passionfruit</u>
<u><i>Passiflora laurifolia</i> L.</u>	<u>Yellow granadilla</u>
<u><i>Persea americana</i> Mill.</u>	<u>Avocado⁵</u>
<u><i>Phaseolus lunatus</i> L.</u>	<u>Lima bean</u>
<u><i>Phaseolus vulgaris</i> L.</u>	<u>Bean</u>
<u><i>Physalis philadelphica</i> Lam.</u>	<u>Husk tomato</u>
<u><i>Psidium cattleianum</i> Sabine</u>	<u>Strawberry guava</u>
<u><i>Psidium guajava</i> L.</u>	<u>Guava</u>
<u><i>Sechium edule</i> (Jacq.) Sw.</u>	<u>Chayote</u>
<u><i>Sesbania grandiflora</i> (L.) Poir.</u>	<u>Hummingbird tree, Katuray⁶</u>
<u><i>Sicyos pachycarpus</i> Hook. & Arn.</u>	<u>Kupala</u>
<u><i>Solanum aethiopicum</i> L.</u>	<u>Chinese scarlet eggplant</u>
<u><i>Solanum anguivi</i> Lam.</u>	<u>N/A</u>
<u><i>Solanum betaceum</i> Cav.</u>	<u>Tree tomato</u>
<u><i>Solanum capsicoides</i> All.</u>	<u>Cockroach berry</u>
<u><i>Solanum erianthum</i> D. Don</u>	<u>Big eggplant</u>
<u><i>Solanum linnaeanum</i> Hepper & P.-M. L. Jaeger</u>	<u>Apple of Sodom</u>
<u><i>Solanum lycopersicum</i> L.</u>	<u>Tomato, cherry tomato</u>
<u><i>Solanum macrocarpon</i> L.</u>	<u>African eggplant</u>
<u><i>Solanum mauritianum</i> Scop.</u>	<u>Bugtree</u>
<u><i>Solanum melongena</i> L.</u>	<u>Eggplant</u>
<u><i>Solanum nigrum</i> L.</u>	<u>Black nightshade</u>
<u><i>Solanum pseudocapsicum</i> L.</u>	<u>Jerusalem cherry</u>

<u><i>Solanum sessiliflorum</i> Dunal</u>	<u>Orinoco apple</u>
<u><i>Solanum</i> spp.</u>	<u>Tomato, eggplant, cockroach berry, Apple of Sodom, bugtree, nightshade, False Jerusalem cherry</u>
<u><i>Solanum trilobatum</i> L.</u>	<u>N/A</u>
<u><i>Strychnos nux-vomica</i> L.</u>	<u>Nux-vomica tree</u>
<u><i>Strychnos spinosa</i> Lam.</u>	<u>Monkey orange</u>
<u><i>Syzygium samarangense</i> (Blume) Merr. & L. M. Perry</u>	<u>Java apple</u>
<u><i>Telfairia occidentalis</i> Hook. F.</u>	<u>Fluted gourd</u>
<u><i>Terminalia catappa</i> L.</u>	<u>Tropical almond</u>
<u><i>Tetrastigma leucostaphylum</i> (Dennst.) Alston ex Mabb.</u>	<u>N/A</u>
<u><i>Trichosanthes cucumerina</i> L.</u>	<u>Snake gourd, club gourd</u>
<u><i>Trichosanthes dioica</i> Roxb.</u>	<u>Pointed gourd</u>
<u><i>Trichosanthes pilosa</i> Lour.</u>	<u>Snake gourd</u>
<u><i>Trichosanthes</i> spp.</u>	<u>Snake gourd, club gourd, pointed gourd, limeberry</u>
<u><i>Trichosanthes tricuspidata</i> Lour.</u>	<u>N/A</u>
<u><i>Trichosanthes wallichiana</i> (Ser.) Wight</u>	<u>N/A</u>
<u><i>Trichosanthes wawraei</i> Cogn.</u>	<u>N/A</u>
<u><i>Triphasia trifolia</i> (Burm. F.) P. Wilson</u>	<u>Limeberry</u>
<u><i>Vigna unguiculata</i> (L.) Walp.</u>	<u>Cowpea, asparagus bean, black-eyed pea</u>
<u><i>Zehneria mucronata</i> (Blume) Miq.</u>	<u>N/A</u>
<u><i>Zehneria wallichii</i> (C. B. Clarke) C. Jeffrey</u>	<u>N/A</u>
<u><i>Ziziphus jujuba</i> Mill.</u>	<u>Chinese jujube</u>

¹ Nuts are not regulated, the fleshy fruit is the host material

² Seeds are not regulated, the fleshy leaf is the host material

³ Nuts are not regulated, the husk is the host material

⁴ Movement of green bananas of cultivars “Williams”, “Valery”, “Grand Nain” and standard and dwarf “Brazilian” without fingers that are ripe before the rest of the plant, fused fingers, or exposed flesh may be allowed through the system approach listed in 7 CFR § 318.13-22, Section (a), 74 FR 2775, Jan. 16, 2009, as amended at 75 FR 4249, Jan. 26, 2010 which is hereby incorporated by reference

⁵ Mature, green, commercially-produced ‘Sharwil’ avocados are not regulated

⁶ Flowers are the host material.

...

Authority cited: Sections 407, ~~and 5322~~, and 5761, Food and Agricultural Code.
Reference: Sections ~~5761~~, 5762, and 5763 ~~and 5764~~ Food and Agricultural Code.

§ 318.13-22

if the inspector examines the consignment and determines that the consignment has been prepared in compliance with the provisions of this section.

§ 318.13-22 Bananas from Hawaii.

(a) Green bananas (*Musa* spp.) of the cultivars "Williams," "Valery," "Grand Nain," and standard and dwarf "Brazilian" may be moved interstate from Hawaii with certification in accordance with § 318.13-3 if the bananas meet the following conditions:³

(1) The bananas must be picked while green and packed for shipment within 24 hours after harvest. If the green bananas will be stored overnight during that 24-hour period, they must be stored in a facility that prevents access by fruit flies;

(2) No bananas from bunches containing prematurely ripe fingers (*i.e.*, individual yellow bananas in a cluster of otherwise green bananas) may be harvested or packed for shipment;

(3) The bananas must be inspected by an inspector and found free of plant pests as well as any of the following defects: Prematurely ripe fingers, fused fingers, or exposed flesh (not including fresh cuts made during the packing process); and

(4) To safeguard from fruit fly infestation, the bananas must be covered with insect-proof packaging, such as insect-proof mesh screens or plastic tarpaulins, from the time that they are packaged for shipment until they reach the port of arrival on the mainland United States.

(b) Bananas of any cultivar or ripeness that do not meet the conditions of paragraph (a) of this section may also be moved interstate from Hawaii in accordance with the following conditions:

(1) The bananas are irradiated in accordance with part 305 of this chapter for the Mediterranean fruit fly (*Ceratitidis capitata*), the melon fruit fly (*Bactrocera curcurbitae*), the Oriental fruit fly (*Bactrocera dorsalis*), and the green scale (*Coccus viridis*) and are inspected, after removal from the stalk, in Hawaii and found to be free of the banana moth (*Opogona sacchari*

³Bananas from Hawaii may also be moved to Alaska under § 318.13-16.

7 CFR Ch. III (1-1-11 Edition)

(Bojen)) by an inspector before or after undergoing irradiation treatment; or

(2) The bananas are irradiated in accordance with part 305 of this chapter for the Mediterranean fruit fly (*Ceratitidis capitata*), the melon fruit fly (*Bactrocera curcurbitae*), and the Oriental fruit fly (*Bactrocera dorsalis*) and are inspected, after removal from the stalk, in Hawaii and found to be free of the green scale (*Coccus viridis*) and the banana moth (*Opogona sacchari* (Bojen)) before or after undergoing irradiation treatment.

(3) Untreated bananas from Hawaii may be moved interstate for treatment on the mainland United States under a limited permit issued by an inspector. To be eligible for a limited permit under this paragraph, bananas from Hawaii must be inspected prior to interstate movement from Hawaii and found free of banana moth if they are to be treated in accordance with the requirements of paragraph (b)(1) of this section or inspected and found free of banana moth and green scale if they are to be treated in accordance with the requirements of paragraph (b)(2) of this section.

[74 FR 2775, Jan. 16, 2009, as amended at 75 FR 4249, Jan. 26, 2010]

§ 318.13-23 Cut flowers from Hawaii.

(a) Except for cut blooms and leis of mauna loa and jade vine and except for cut blooms of gardenia not grown in accordance with paragraph (b) of this section, cut flowers 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.

(b) Cut blooms of gardenia may be moved interstate from Hawaii if grown and inspected in accordance with the provisions of this section.⁴

⁴Cut blooms of gardenia are also eligible for interstate movement with treatment in accordance with part 305 of this chapter.