

Country/locality	Common name	Botanical name	Plant part(s)
*	*	*	*
Spain			
*	*	*	*
	Persimmon	<i>Diospyros khaki</i>	Fruit.
*	*	*	*

(b) If treatment has not been completed before the fruits and vegetables arrive in the United States, fruits and vegetables listed in the table in this section and requiring treatment for fruit flies may arrive in the United States only at a port listed in § 319.56–2d(b)(1) of this subpart.

#### § 319.56–2y [Amended]

■ 22. In § 319.56–2y, footnote 1 is redesignated as footnote 7.

#### § 319.56–2z [Amended]

■ 23. In § 319.56–2z, footnote 1 is redesignated as footnote 8.

#### § 319.56–2bb [Amended]

■ 24. In § 319.56–2bb, the introductory paragraph is amended by removing the citation “§ 319.56–4” and adding the citation “§ 319.56–3” in its place.

■ 25. Section 319.56–2dd is amended as follows:

■ a. By redesignating footnotes 1, 2, and 3 as footnotes 9, 10, and 11, respectively.

■ b. In paragraphs (a)(1) and (a)(7), by adding the words “Province, the Murcia Province, or the municipalities of Albuñol and Carchuna in the Granada” immediately after the word “Almeria”.

■ c. By revising paragraphs (a)(6), (b)(5), (c)(6), and (d)(2) and newly redesignated footnotes 10 and 11 to read as set forth below.

■ d. By adding a new paragraph (e) and revising the OMB citation at the end of the section to read as set forth below.

#### § 319.56–2dd Administrative instructions: conditions governing the entry of tomatoes.

(a) \* \* \*

(6) The tomatoes must be packed within 24 hours of harvest. They must be safeguarded from harvest to export by insect-proof mesh screens or plastic tarpaulins, including while in transit to the packing house and while awaiting packaging. They must be packed in insect-proof cartons or covered by insect-proof mesh or plastic tarpaulins for transit to the airport and subsequent export to the United States. These safeguards must be intact upon arrival in the United States; and

(b) \* \* \* 10

\* \* \* \* \*

(5) From June 1 through September 30, the tomatoes must be packed within 24 hours of harvest. They must be safeguarded by insect-proof mesh screen or plastic tarpaulin while in transit to the packing house and while awaiting packing. They must be packed in insect-proof cartons or covered by insect-proof mesh screen or plastic tarpaulin. These safeguards must be intact upon arrival in the United States; and

\* \* \* \* \*

(c) \* \* \* 11

(6) The tomatoes must be packed within 24 hours of harvest and must be pink at the time of packing. They must be safeguarded by an insect-proof mesh screen or plastic tarpaulin while in transit to the packing house and while awaiting packing. They must be packed in insect-proof cartons or covered by insect-proof mesh or plastic tarpaulin for transit to the airport and export to the United States. These safeguards must be intact upon arrival in the United States; and

\* \* \* \* \*

(d) \* \* \*

(2) The tomatoes must be treated and packed within 24 hours of harvest. Once treated, the tomatoes must be safeguarded by an insect-proof mesh screen or plastic tarpaulin while in transit to the packing house and awaiting packing. They must be packed in insect-proof cartons or insect-proof mesh or plastic tarpaulin under APHIS monitoring for transit to the airport and subsequent export to the United States. These safeguards must be intact upon arrival in the United States; and

\* \* \* \* \*

(e) *Tomatoes from Australia.* Tomatoes (fruit) (*Lycopersicon esculentum*) may be imported into the United States from Australia only under the following conditions:

(1) The tomatoes must be grown in greenhouses registered with, and inspected by, the Australian Quarantine Inspection Service (AQIS);

(2) Two months prior to shipping, AQIS must inspect the greenhouse to establish its freedom from the following quarantine pests: *Bactrocera aquilonis*, *B. cucumis*, *B. jarvis*, *B. neohumeralis*, *B. tryoni*, *Ceratitis capitata*, *Chrysodeixis argentea*, *C. erisoma*, *Helicoverpa armigera*, *H. punctigera*, *Lamprolonchaea brouniana*, *Scelioidea cordalis*, and *Spodoptera litura*. AQIS must also set and maintain fruit fly traps inside the greenhouses and around the perimeter of the greenhouses. Inside the greenhouses, the traps must be APHIS-approved fruit fly traps, and they must be set at the rate of six per hectare. In all areas outside the greenhouse and within 8 kilometers of the greenhouse, fruit fly traps must be placed on a 1 kilometer grid. All traps must be checked at least every 7 days;

(3) Within a registered greenhouse, capture of a single fruit fly or other quarantine pest will result in immediate cancellation of exports from that greenhouse until the source of the infestation is determined, the infestation has been eradicated, and measures are taken to preclude any future infestation;

(4) Outside of a registered greenhouse, if one fruit fly of the species specified in paragraph (e)(2) of this section is captured, the trap density and frequency of trap inspection must be increased to detect a reproducing colony. Capture of two Medflies or three of the same species of *Bactrocera* within 2 kilometers of each other and within 30 days will result in the cancellation of exports from all registered greenhouses within 2 kilometers of the finds until the source of the infestation is determined and the fruit fly infestation is eradicated;

(5) AQIS must maintain records of trap placement, checking of traps, and any fruit fly captures, and must make the records available to APHIS upon request;

(6) The tomatoes must be packed within 24 hours of harvest. They must be safeguarded by an insect-proof mesh screen or plastic tarpaulin while in transit to the packing house or while awaiting packing. They must be placed in insect-proof cartons or securely covered with insect-proof mesh or

<sup>10</sup> See footnote 9 in paragraph (a) of this section.

<sup>11</sup> See footnote 9 in paragraph (a) of this section.