

DIVISION 2

PLANT INDUSTRY (Department of Agriculture)

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CHAPTER 10 IMPORTATION OF PLANTS AND PLANT PRODUCTS

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NOTE: Rule-making authority cited for formulation of quarantine regulations on the importation of plants and plant products by the Department of Agriculture, 5 GCA §60108 and §61102.

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§10100. Definitions of Terms. The following terms as used herein, except where the context otherwise requires, shall include both the singular and the plural and shall be construed, respectively, to mean:

(a) *Director* - The Director of the Department of Agriculture, government of Government of Guam.

(b) *Person* - Any person, association, organization, partnership business trust, government agency or corporation.

(c) *Inspector or Agent* - Government employee authorized by the Director to carry out any power granted by this title.

(d) *Host* - Plant or animal or part thereof, soil, container, vehicles or other article known or suspected to be infested or contaminated with agricultural pests.

(e) *Crop* - Plant and plant products collectively grown or cared for and used for food and other useful purposes.

(f) *Plant* - All plants and plant parts, including fresh fruits and seeds.

(g) *Plant Products* - Products of plant origin which have not been processed or which have only been processed to a minor extent.

(h) *Nursery Stock* - Any plant for plant propagation or ornamentation.

(i) *Infested* - Actually infested or infected with a pest or so exposed to infestation exists.

(j) *Pest* - Any insect, fungus, bacteria or virus disease, nematode, parasitic plant or any other organism or thing injurious to plants or plant products including any stage of development of such organism or thing.

(k) *Regulated Article* - Any plant pest or host designated as such by this regulation.

§10101. Import Permits. Import permits are required for the importation of regulated articles. Persons interested in the importation of plants and plant products into the territory of Guam should contact: The Director, Department of Agriculture, Agana, Guam 96910.

§10100.2. Certificates. (a) Phytosanitary certificates are required for the importation of:

- (1) Rooted plants and seedlings.
- (2) Cuttings and grafts of woody plants, ornamental plants and other horticultural plants.
- (3) Cut flowers.
- (4) Flower bulbs, corms, tubers rhizomes and other vegetative plant propagating materials.
- (5) Fresh fruits of regulated plants.
- (6) Seeds meant for propagation purposes.
- (7) Soil.

(b) Phytosanitary certificates must have been issued by the Plant Protection Service of the country of origin of the plants.

(c) The certificate must have been issued not more than fourteen (14) days before dispatch of the consignment and must be made up in the English language.

(d) If the country from which a consignment is imported into the territory of Guam is not the country of origin, the consignment shall be accompanied by a phytosanitary certificate of the country of origin or an authenticated copy thereof, together with a declaration of re-export, issued by the country from where it was last dispatched; in case of importation of fruits the certificate may also have been issued by the country from which the consignment was last dispatched.

§10103. General Shipping Requirements. Each shipment of plants into the territory of Guam must be marked to show name and address of shipper or owner, name of consignee, contents and the state and country where contents were grown. Any person transporting, receiving or importing into the territory of Guam any plants, plant products or soil, must have an import permit.

At the port of entry all shipments of plants will be examined and if the shipments are found infested with any pest liable to be detrimental to agriculture, the shipments will be destroyed, treated or processed at owner's expense. All plants shipped into the territory of Guam must be free of soil.

§10104. Plant Material Subject to Inspection and Disposal. All florist's stock, trees, shrubs, vines, cuttings, grafts, scions, buds, fruits and seeds of fruit, forest and ornamental trees or shrubs and other plants and plant products in the raw or unmanufactured state, are subject to inspection upon arrival in Guam.

§10105. Living Insects and Plant Diseases. It is prohibited to ship or transport any live insects, plant pathogenic agents and all other plant pests into the territory of Guam, unless such shipment or transportation is authorized prior to shipment under written permit and regulations of the Director of Agriculture, government of Guam or United States Department of Agriculture. Any unauthorized shipment shall be destroyed immediately unless it is determined by the inspecting officer that the nature of the contents is such that no damage can be caused to agriculture in the territory of Guam.

§10106. European Corn Borer - *Ostrinia Nubilalis*. (a) **Regulated Products.** Corn, broomcorn, sorghums and Sudangrass plants and all parts thereof, including seed and shelled grain; stalks, ears, cobs, fragments and debris; beans in the pod beets; celery; peppers (fruit); endive; Swiss chard, rhubarb (cut or plants with roots); cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia (except tubers without stem), and gladiolus (except corms without stems).

(b) **Infested Area.** Entire States of Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Iowa, Indiana Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South

Dakota, Tennessee, Vermont, Virginia, Wisconsin, Wyoming, and the District of Columbia. Countries include Canada, Guatemala, all countries in Europe and Asia, and Egypt in Africa.

(c) **Shipping Requirements.** Regulated products must be certified as meeting the following requirements:

(1) Shelled grain and seeds of corn, broomcorn, sorghums and Sudangrass grown in or shipped from the infested area must be free from plant fragments capable of harboring larvae of the borer; or must have been fumigated in a manner approved by the Director of Agriculture, government of Guam, or the U.S. Department of Agriculture. Fumigation certificates must include the date, dosage schedule and kind of fumigant used; otherwise the grain will be subject to inspection and possible rejection upon arrival.

(2) Shelled grain or seed grown in and shipped from states or countries under quarantine but not in the infested area must be accompanied by state or country of origin certificates affirming that it was produced in a state or country where European corn borer is not known to exist and that its identity has been maintained to eliminate risk of contamination with regulated products from the infested area. Certificates must show the kind and quantity of commodity, and the name and address of the shipper or consignee.

Certification is waived for shelled popcorn, seed for planting, and on individual shipments of one hundred (100) pounds or less, or comprised of packages of less than ten (10) pounds, subject to inspection and freedom from portions of plants capable of harboring the corn borer. Uncertified shipments, or certified shipments found to be contaminated with portions of plants capable of harboring the corn borer, are deemed to be in violation of these Regulations.

(3) Stalks, ears, cobs or other parts of corn, broomcorn, sorghums and Sudangrass, as such or as packing or otherwise, from the infested area must have been sterilized or disinfected in a manner

approved by the Department of Agriculture, government of Guam or U.S. Department of Agriculture. Certification must show the date and full particulars of treatment given.

(4) Stalks, ears, cobs or other parts of corn, broomcorn, sorghums and Sudangrass grown in and shipped from states or countries under quarantine but not in the infested area must be accompanied by state or country of origin certificates affirming that they were produced in a state or country where European corn borer is not known to exist and that their identity has been maintained to eliminate risk of contamination, during handling or storage, with regulated products from the infested area.

(5) Vegetable and ornamental plants and plant products, beans in the pod; beets; celery; peppers (fruits); endive; Swiss chard; rhubarb (cut or plants with roots); cut flowers and entire plants of aster, chrysanthemum, calendula, cosmos, hollyhock, marigold, zinnia, Japanese hop, dahlia (except tubers without stems) and gladiolus (except corms without stems) produced in or shipped from the infested area must be accompanied by state or country of origin or U.S. Department of Agriculture certificates affirming that they were inspected, or that the greenhouse or growing grounds where they were produced were inspected and found free of European corn borer; or that they were fumigated in a manner approved by the Director of Agriculture, government of Guam or U.S. Department of Agriculture. Fumigation certificates must show the date and method of treatment. These special restrictions on the movement into the territory of Guam of the above regulated plants, plant products or cut flowers do not apply when produced in and shipped from any state or country not in the infested area.

(d) Manufactured or Processed Products. Regulated products are exempt from the restrictions of the quarantine when so processed or manufactured as to eliminate infestation by the borer.

§10107. Citrus Virus Diseases. Shipment into the territory of Guam of any and all kinds of citrus trees and parts thereof, including budwood and scions (but

not seed) is prohibited, except that citrus nursery stock accompanied by an inspection certificate may be admitted when shipped from Washington, D.C. by the Agricultural Research Service, United States Department of Agriculture. This Regulation does not apply to citrus fruits.

§10108. Oriental Fruit Fly - *Dacus Dorsalis*. (a) **Infested Areas.** Hawaii, Bonin Islands, Burma, Ceylon, India, Indonesia, Malaysia, Ryukyu Islands, Okinawa, Pakistan, Philippines, Thailand and Taiwan.

(b) **Hosts.** Tomatoes, mangosteen, guava, *Averrhoa carambola*, *Cananga odorata*, *Eugenia* sp., mangoes, pineapple, bell pepper, citrus fruits, bananas, green peppers, grapes, ponalogs, avocado, papaya, figs, persimmons, loquats, bananas, *Solanum* sp., *Carcinia* sp. All fruits listed above and other fruits reported as hosts of oriental fruit fly are prohibited entry into the territory of Guam from the infested countries.

§10109. Mediterranean Fruit Fly - *Ceratitis Capitata*. Mediterranean fruit fly infested areas are Europe, Mediterranean, Azores, Africa, Balearic Islands, Canary Islands, Bermuda, Seychelles, St. Helena, Central and South America, Mauritius, Western Australia and Hawaii. All fruits and vegetables except noncooking type bananas, pineapples, taro and coconuts are prohibited entry into the territory of Guam from the infested areas or countries.

§10110. Mexican Fruit Fly - *Anastrepha Ludens*. Infested areas include Mexico, Central and Northern South America and Rio Grande Valley of Texas.

All citrus fruits except lemons and sour limes, yellow chapote, sapodilla, cherimoya, custard apple, white sapote, rose apple (*eugenia*), jinicuil, plum, maney, mango, peach, guava, pomegranate, pear, apple, quince and avocado are prohibited entry into the territory of Guam from the infested areas or countries.

§10111. Diseases and Insects of Onions. Green onions and *Allium* spp. from the countries infested

with leaf tip die back disease, *Mycosphaerella schoenoprasii* and the leaf miner of onions, are prohibited entry into the territory of Guam with tops. Infested countries include Japan, South Korea, Taiwan, Philippines, Thailand, Okinawa, Hawaii, Australia and New Zealand.

§10112. Coconut Diseases and Insects.

Importation of the planting material from the areas where the following diseases and others of obscure origin occur are prohibited importation into the territory of Guam: Red ring, lethal yellowing (Kaincope), cadang-cadang, kerals wilt, leaf scorch, little leaf and Malaysian wilt.

Infested Areas. Red Ring: Trinidad, Tobago, Grenada, St. Vincent, Venezuela, Panama, Honduras, British Honduras, British Guiana and Brazil. Lethal yellowing: Jamaica, Cuba, Cayman Islands, Bahamas, Haiti, West Africa and Florida. Cadang-cadang: Philippine Islands. Kerala wilt: South India. Leaf scorch: Ceylon. Little leaf: Caribbean and Ceylon. Malaysian wilt: Malaysia.

The importation of all parts of coconut trees except coconuts without husks, are prohibited into the territory of Guam from the reported areas of the occurrence of the coconut hispid, *Brontispa* sp.

Brontispa infested areas are French Polynesia, New Caledonia, New Hebrides, Territory of Papua and New Guinea, British Solomon Islands Protectorate, U.S. Trust Territory, Indonesia, Philippines and Mauritius.

§10113. Banana Diseases and Insects. (a)

Shipment into Guam of any and all kinds of *Musa* spp. (bananas and plantains) and *Heliconia* spp. plants or parts thereof, including rhizomes (but not fruit) is prohibited from any country except nursery stock from the United States which is certified by a State Department of Agriculture or U.S. Department of Agriculture as being free of banana scab moth (*Nacoleia octasema*), Panama disease (*Fusarium oxysporum* f. *cubense*), bacterial wilt (*Pseudomonas solanacearum*), burrowing nematode (*Radopholus similis*) and bunchy top virus disease.

(b) **Countries Infested with Panama Disease:** Fiji, Territory of Papua and New Guinea, East, West, Central and Southern Africa, Canary Islands, Madagascar, Mauritius, Caribbean, Central and South America, Mexico, Florida, India, Pakistan, Burma, Ceylon, Indonesia, Malaysia, Thailand, Philippines, Australia, Hawaii and West Iran.

(c) **Bunchy Top:** American Samoa, Fiji, U.S. Trust Territory, Ellice Islands, Tonga, Western Samoa, Wallis Island, New Caledonia, New Hebrides, Congo, Egypt, India, Pakistan, Ceylon, Malaysia, Hongkong, Taiwan, Bonin Islands, Philippines and Australia.

(d) **Bacterial Wilt:** Central and South America, Trinidad, West Africa and Australia.

(e) **Burrowing Nematode:** Fiji, Tonga, American Samoa, West Malaysia, Philippines, Taiwan, Australia, Hawaii, Central and South America, Caribbean, Florida, Louisiana, India and West Africa.

(f) **Banana Scab Moth:** Java, Lesser Sunda Islands, North Queensland and everywhere in the South Pacific Commission area except the Cook Islands, French Polynesia, the Gilbert and Ellice Islands and the U.S. Trust Territory.

§10114. Sweet Potato Insects and Diseases. The sweet potato borer, *Omphisa anastomosalis* is a serious pest of sweet potatoes. The larvae damage both roots and vines and may kill the plants. The entry of roots and vines of sweet potato, *Ipomea batatus* and *Ipomea* spp. are prohibited from China, Taiwan, India, Ceylon, Japan, Burma, Indonesia, Java, New Guinea, Thailand, Philippine Islands, Hawaii and Malaysia.

In order to prevent the spread of sweet potato virus diseases and Southern blight caused by *Pellicularia rolfsii* (Sym. *Sclerotium rolfsii*) importation of sweet potato roots and vines for planting and propagation is prohibited except from the mainland United States when accompanied by a phytosanitary certificate issued by a state or the United States Department of Agriculture. The phytosanitary

certificate must state that the sweet potato material is free from Southern blight and virus diseases.

§10115. Taro for Planting and Propagation. It is forbidden to import the root or stem portions of taro (*Colocasia*, *Alocasia* and *Cyrtosperma* spp.) for planting or propagation except from Hawaii and the mainland United States accompanied by a phytosanitary certificate issued by a state or the United States Department of Agriculture. The phytosanitary certificate must state that the taro is free from the Southern blight caused by *Pellicularia rolfsii* (*Sym. Sclerotium rolfsii*).

§10116. Queensland Fruit Fly - *Dacus Tryoni*. The Queensland fruit fly infested areas in Australia are New South Wales, Queensland, South Australia and Victoria.

Hosts. Papaya, sour orange, lemon, grapefruit, mandarin, orange, sweet orange, guava, cashew, cucumber, quince; persimmon, banana, leguat, fig, tomato, apple, mango, mulberry, apricot, peach, sour cherry, garden plum, nectarine, pear, grape and *Rubus* sp.

All the fruits listed as hosts for the Queensland fruit fly are prohibited entry into the territory of Guam from the infested areas.

§10117. Melonfly - *Dacus Cucurbitae*. Since the melonfly eradication and surveillance programs are operated in Guam, the host plant materials of the melonfly from infested countries are prohibited entry into Guam.

Hosts. *Momordica charantia*, *Luffa cylindrica* and other plant materials belonging to the family cucurbitaceae, *Citrullus vulgaris*, *Artocarpus heterophyllus*, *Baccaurea angulata*, *Psidium guajava*, mango, *Lageraria leucantha*, *Eugenia javanica*, eggplant, beans, pepper, passion fruit and tomatoes.

Infested countries and areas: Burma, Ceylon, China, Taiwan, India, Indonesia, Ryukyu Islands,

Okinawa, Malaysia, Pakistan, Philippines, Thailand, Mauritius, Kenya, Tanzania, Hawaii and Australia.

§10118. Packing Materials. It is prohibited to import into the territory of Guam all packing materials except wood, wood shavings, sawdust, processed fibers and materials not originating from plants and animals except that clean sphagnum moss may be used as living plant packing material for imports into the territory of Guam.

§10119. Construction Materials. Unpeeled saw logs are prohibited entry into the territory of Guam. Peeled saw logs, lumber and wallboard are enterable into the territory of Guam only if examination by an inspector reveals that no termites or boring insects are present in the logs or lumber. Green and dry bamboo poles are prohibited entry into the territory of Guam except that dry bamboo poles and other bamboo products may be permitted entry into the territory of Guam if the bamboo has been chemically treated, shellacked, varnished, lacquered or painted.

§10120. Stored Dried Products. Stored dried products of human food products and animal feeds are enterable into the territory of Guam except that they may be refused if they are found infested with storage pests and diseases.

§10121. Enterable Fruits and Vegetables. (a) **Hawaiian Islands:** All fruits and vegetables other than the hosts of oriental fruit fly, melonfly and Mediterranean fruit fly.

(b) **Mariana Islands:** All fruits and vegetables and coconuts without husk.

(c) **Bonin Islands and Volcano Islands:** All leafy vegetables and root crops.

(d) **Caroline Islands:** All fruits and vegetables except citrus fruits and coconut with husk.

(e) **Palau and Yap:** All fruits and vegetables except taro and coconut with husks.

(f) **Other islands in Trust Territory:** All vegetables and fruits and coconut without husk.

(g) **Japan and Korea:** Allium without tops, artichokes; bananas*, bell peppers*, cabbage, carrots, celery, citrus fruits, eggplants*, grapes*, lettuce, melons*, okra*, parsley, peas, persimmons, potatoes, rhubarb, squash (*Cucurbita maxima*)*, stone and pome fruits, string beans*, sweet potatoes*, tomatoes*, turnip greens, turnips and watermelons*.

NOTE: All items marked with an asterisk (*) can be imported into the territory of Guam only in commercial packaged shipments accompanied by a phytosanitary certificate, indicating that the shipment is free of pests and diseases, issued by an appropriate government agency in Japan and a certificate of origin. (h)

Ryukyu Island (Okinawa): Garlic, leeks, onions (without tops), asparagus, burdock, taro, ginger root, horseradish, Irish potatoes, radish and leafy vegetables other than spinach.

(i) **Philippine Islands:** Leafy vegetables, celery and potatoes, radishes (without tops) and smooth cayenne and Hybrid 53-116 pineapples.

(j) **Taiwan (Formosa):** Carrots (without tops), celery, garlic, onions (without tops), arrowroot, kale, cow-cabbage, cauliflower, broccoli, cabbage, bean sprouts, asparagus, Portuguese cabbage, cassava, dasheen, gingerroot, horseradish, kudzu, lettuce, turnip, udo, water chestnut, watercress, water lily root, yam bean root and smooth cayenne and Hybrid 53-116 pineapples.

(k) **Netherlands New Guinea:** Lettuce.

(l) **New Zealand:** Carrots, celery, lettuce, loguats, onions, persimmons, potatoes, tomatoes and stone fruits.

(m) **Thailand:** Asparagus, carrots (without tops), celery, lettuce and radishes (without tops).

(n) **Additions to enterable list:** Fruits and vegetables from other parts of the world and additional fruits and vegetables from the countries listed above will be allowed entry into the territory of

Guam provided written permission is given by the Director of Agriculture or by the person authorized by him or by Plant Quarantine Division, ARS, USDA, P.O. Box 9067, Honolulu, Hawaii 96820.

(o) **Central and South America:** Bananas may be imported from Central and South America provided such bananas are imported through a state of the United States and such bananas have been legally imported into such state in accordance with U.S. Department of Agriculture Plant Quarantine Regulations.

§10122. Exceptions. The regulated fruits, vegetables and plant parts from the countries listed in 2 GAR §§1018, 10109, 10115 and 10116 may be imported into the territory of Guam provided such regulated fruits, vegetables or plant parts are so treated to meet the United States Department of Agriculture Plant Quarantine Regulations.

§10123. Unlawful Acts. It is unlawful for any person:

(a) to conceal, bring, transport any pest or host which is regulated; and

(b) to fail to safeguard, dispose of or otherwise handle such pests and hosts as instructed by an inspector or agent of the Department of Agriculture or Department of Commerce.

§10124. Penalties. Pursuant to 5 GCA §61207 any person violating any of the provisions of the foregoing Plant Quarantine Regulations, shall be guilty of a petty misdemeanor.

NOTE: References to Code and penalty changed by Compiler to refer to existing law and penalty.