

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

CHAPTER 85-60 DIVISION OF PLANT INDUSTRY

SUBCHAPTER 85-60.1 FARM EQUIPMENT SERVICE REGULATIONS

Part 001	General Provisions	§ 85-60.1-101	Equipment Rental
§ 85-60.1-001	Purpose	Rates	
§ 85-60.1-005	Authority	§ 85-60.1-105	Hours of Service
Part 100	Equipment Rental and Rates	Part 200	Miscellaneous Provisions
		§ 85-60.1-201	Severability

Subchapter Authority: PL 1-8 (formerly codified at 1 CMC §§ 2651, et seq.); 1 CMC § 2654.

Subchapter History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the “Public Lands and Natural Resources Administration Act of 1997,” PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651-2691. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto.

1 CMC § 2653(j) authorizes DLNR to “promote, develop, and administer agricultural programs, including but not limited to, plant industry, agricultural extension services, and animal industry and health.” 1 CMC § 2654 authorizes the Department of Lands and Natural Resources to adopt rules and regulations in furtherance of its duties and responsibilities.

The 1992 Farm Equipment Service Regulations codified in this subchapter were promulgated by the Department of Natural Resources, Division of Plant Industry under the authority of PL 1-8 (formerly codified at 1 CMC §§ 2651, et seq.).

In 1981, the Division of Plant Industry published notice of proposed “Rules and Regulations for Government Commercial Farm Plots.” See 3 Com. Reg. 1336 (Aug. 31, 1981). The text of the proposed regulations was not published with the notice and a notice of adoption was never published.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Part 001 - General Provisions

§ 85-60.1-001 Purpose

The purpose of the regulations in this subchapter is to establish rates and standards for use of farm equipment operated and maintained by the Department of Natural Resources, Division of Plant Industry, through its Farm Equipment Service. This equipment is rented to CNMI farmers to promote and develop local agriculture.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

§ 85-60.1-005 Authority

The regulations in this subchapter are adopted under the authority of 1 CMC § 2654(i) and 1 CMC § 2655.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

Part 100 - Equipment Rental and Rates

§ 85-60.1-101 Equipment Rental Rates

The Department of Natural Resources, Division of Plant Industry, may provide a farm equipment service to CNMI farmers for agricultural purposes. The equipment rates shall be as follows.

Item	Rate
(a) Caterpillar D-6 bulldozer or equivalent	\$15.00/hr.
(b) John Deere 4250 tractor or equivalent	\$12.00/hr.
(c) Ford 6610 tractor or equivalent	\$ 8.00/hr.
(d) Ford 4610 tractor or equivalent	\$ 8.00/hr.

Modified, 1 CMC § 3806(f).

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

Commission Comment: The Commission created the section titles in part 100.

§ 85-60.1-105 Hours of Service

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Each individual farmer shall receive no more than 30 hours of bulldozer service per application.

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

Part 200 - Miscellaneous Provisions

§ 85-60.1-201 Severability

If any provision of the regulations in this subchapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

Modified, 1 CMC § 3806(d).

History: Adopted 14 Com. Reg. 9985 (Oct. 15, 1992); Proposed 14 Com. Reg. 9317 (June 15, 1992).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

SUBCHAPTER 85-60.2

PLANT QUARANTINE REGULATIONS

Part 001	General Provisions	§ 85-60.2-130	Department Permit
§ 85-60.2-001	Authority	§ 85-60.2-132	Inspection and Treatment for Conveyances Arriving into CNMI
§ 85-60.2-005	Purpose	§ 85-60.2-134	Official Introduction
§ 85-60.2-010	Definitions	§ 85-60.2-136	Quarantine for Live Plants
§ 85-60.2-015	Gender, Plurals, Etc.	§ 85-60.2-138	In Transit Material
§ 85-60.2-020	Precedence of Federal Regulations over CNMI's Regulations	§ 85-60.2-140	Contraband Material
Part 100	General Requirements	§ 85-60.2-142	Disinsection
§ 85-60.2-101	Port of Entry	§ 85-60.2-144	Exclusion of Liability
§ 85-60.2-102	Inspection of Plants or Parts Thereof, Regulated Materials and Conveyances, Charges for Overtime Pay of Quarantine Agents	Part 200	Regulations Concerning Entry of Plants, Plant Materials, Regulated Materials, Goods, Pests into the Commonwealth of the Northern Mariana Islands
§ 85-60.2-104	Required Declaration and General Prohibition	§ 85-60.2-201	Import Permit
§ 85-60.2-106	Availability of Manifests and Movement Information	§ 85-60.2-202	Certificates
§ 85-60.2-108	Plant Quarantine Permits	§ 85-60.2-204	General Shipping Requirements
§ 85-60.2-110	Quarantine of Infested or Infected Articles	§ 85-60.2-206	Plant Materials Subject to Inspection and Disposal
§ 85-60.2-112	Quarantine Seal	§ 85-60.2-208	Living Insects and Plant Diseases
§ 85-60.2-114	Treatment	§ 85-60.2-210	European Corn Borer (<i>Ostrinia nubilalis</i>)
§ 85-60.2-116	Release/Clearance of Plants, Plant Materials or Goods	§ 85-60.2-212	Citrus Virus Diseases
§ 85-60.2-118	Approved Places for Quarantine to Take Place	§ 85-60.2-214	Oriental Fruit Fly (<i>Dacus dorsalis</i>)
§ 85-60.2-120	Transport, Storage, Unpacking, and Treatment at Importer's Expense	§ 85-60.2-216	Mediterranean Fruit Fly (<i>Ceratitis capitata</i>)
§ 85-60.2-122	Seizure and Destruction	§ 85-60.2-218	Mexican Fruit Fly (<i>Anastrepha ludens</i>)
§ 85-60.2-124	Disposal of Plant Material Carrying or Believed to be Carrying a Plant Pest	§ 85-60.2-220	Diseases and Insects of Onions
§ 85-60.2-126	Any Plants, Plant Materials, or Goods Returned Back into Quarantine		
§ 85-60.2-128	Quarantine Forms		

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

§ 85-60.2-222	Coconut Diseases	§ 85-60.2-246	Seeds
and Insects		§ 85-60.2-248	Flowers
§ 85-60.2-224	Banana Diseases	§ 85-60.2-250	Entry of Non-
and Insects		plant Articles	
§ 85-60.2-226	Sweet Potato	§ 85-60.2-252	Entry of Cultures
Insects and Diseases		or Organisms	
§ 85-60.2-228	Taro for Planting	§ 85-60.2-254	Garbage
and Propagation			
§ 85-60.2-230	Queensland Fruit	Part 300	Interim Rules
Fly (<i>Dacus tryoni</i>)		§ 85-60.2-301	Interim Rules
§ 85-60.2-232	Melon Fly -		
(<i>Dacus cucurbitae</i>)		Part 400	Export Requirement
§ 85-60.2-234	Packing Materials	§ 85-60.2-401	Plants
§ 85-60.2-236	Construction	§ 85-60.2-405	Nursery Stock
Materials		Export Shipments	
§ 85-60.2-238	Stored Dried		
Products		Part 500	Miscellaneous
§ 85-60.2-240	Enterable Fresh	Provisions	
Fruits and Vegetables		§ 85-60.2-501	Entry Via the Post
§ 85-60.2-242	Entry of	Office	
Handicrafts Made from Plant Material			
§ 85-60.2-244	Live Plants other	Part 600	Penalties
than Seeds or Tissue Culture		§ 85-60.2-601	Penalties

Subchapter Authority: PL 1-8 (formerly codified at 1 CMC §§ 2651, et seq.); 1 CMC § 2654; 2 CMC § 5302.

Subchapter History: Amdts Adopted 15 Com. Reg. 11058 (Oct. 15, 1993); Amdts Proposed 15 Com. Reg. 10750 (July 15, 1993); Amdts Certified 15 Com. Reg. 10508 (Apr. 15, 1993); Amdts Adopted 15 Com. Reg. 10504 (Mar. 15, 1993); Amdts Proposed 15 Com. Reg. 10439 (Jan. 15, 1993); Amdts Emergency 14 Com. Reg. 9783 (Oct. 15, 1992) (effective for 120 days from Oct. 7, 1992); Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the “Public Lands and Natural Resources Administration Act of 1997,” PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651-2691. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto.

1 CMC § 2653(j) authorizes DLNR to “promote, develop, and administer agricultural programs, including but not limited to, plant industry, agricultural extension services, and animal industry and health.” 1 CMC § 2654 authorizes the Department of Lands and Natural Resources to adopt rules and regulations in furtherance of its duties and responsibilities.

Title 2, division 5, chapter 3 of the Commonwealth Code specifically addresses quarantine regulations. See 2 CMC §§ 5301-5310. 2 CMC §§ 5302 and 5303 direct the Director of Natural Resources (now the Secretary of Lands and Natural Resources) to issue plant and animal quarantines and regulations and administer their provisions.

The Division of Agriculture within the Department of Natural Resources originally promulgated, pursuant to PL 1-8, Plant & Animal Quarantine Inspection and Inspection Procedures Rules and Regulations. The history of these regulations is as follows: Amdts Adopted 2 Com. Reg. 896 (Nov. 17, 1980) (suspending the prohibition on importing Psittacine birds and mynahs into the Commonwealth);* Amdts Adopted 3 Com. Reg. 1042 (Feb. 23, 1981); Amdts Emergency and Proposed 2 Com. Reg. 890, 894 (Nov. 17, 1980) (effective for 120 days from Oct. 1, 1980); Public Notice 2 Com. Reg. 834 (Mar. 16, 1980) (regarding animal quarantine procedures); Amdts Proposed 2 Com. Reg. 445 (Jan. 16, 1980); Adopted 1 Com. Reg. 277 (June 16, 1979); Proposed 1 Com. Reg. 80 (Dec. 16, 1978).

*A notice of proposed amendment was never published.

The January 1980 notice of proposed amendments stated: “If no comments are received after 30 days from the date of this publication, these amendments will be adopted without further publication and have the force of law.” See 2 Com. Reg. at 445 (Jan. 16, 1980).

The 1989 Plant Quarantine Regulations codified as amended in this subchapter were promulgated by the Department of Natural Resources, Division of Plant Industry under the authority of 2 CMC §§ 5301-5310.

On April 6, 2004, the Department of Lands and Natural Resources promulgated an emergency provision amending this subchapter to prohibit the importation of betel nut from the island of Guam. See 26 Com. Reg. 22227 (Apr. 23, 2004) (effective for 120 days from Apr. 6, 2004). As of December 2004, the prohibition had not been permanently adopted.

Part 001 - General Provisions

§ 85-60.2-001 Authority

Under the authority granted in 2 CMC, div. 5, chapter 3, article 1, § 5302 of the Commonwealth Code for the Northern Mariana Islands, the Director of Natural Resources hereby promulgates regulations concerning control and prevention of plant diseases in the Commonwealth of the Northern Mariana Islands. All previously issued Trust Territory plant quarantines are hereby cancelled, and superseded by the regulations codified in this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-005 Purpose

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

The rules and regulations in this subchapter are designed to protect the agriculture and general well-being of the Northern Marianas citizens. Plant quarantine measures are promulgated as a means to prevent the introduction of, and the further spread of plant pest and diseases into and within the Northern Marianas. The procedures and controls are designed to spell out the procedures and controls in promulgation, enforcement of Plant Quarantine Rules and Regulations, codified in this subchapter, and other measures deemed necessary to protect the agricultural industry in the Northern Mariana Islands.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-010 Definitions

For the purposes of the rules and regulations in this subchapter, unless context otherwise requires, the following words, phrases, names, and terms shall be construed, respectively, to mean:

- (a) “Agricultural Quarantine Facility” - Government facilities equipped and specifically set aside for holding growing imported plant materials suspected of harbouring pests and diseases.
- (b) “Approved Place for Performance of Quarantine” - Means a place other than a quarantine station where the quarantine of goods may take place.
- (c) “As Prescribed” - Any procedure on treatment as detailed by the Chief of Plant Industry or contained in a manual or official treatment schedule.
- (d) “Authorizing Official” - The Director for the Department of Natural Resources and the Chief for the Division of Plant Industry or designees.
- (e) “Baggage” - Any goods brought into the country by a passenger arriving by air or by sea from overseas.
- (f) “Chief” - The Chief for the Division of Plant Industry, Department of Natural Resources, or any employee from the Division of Plant Industry to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.
- (g) “CNMI” - The Commonwealth of the Northern Mariana Islands, including the government thereof, which lies within the area north of 14 degrees north latitude, south of 21 degrees north latitude, west of 150 degrees east longitude and east of 144 degrees east longitude, as extended by the Marine Sovereignty Act.
- (h) “Contaminate” - Means infestation or infection by plant pest or disease of having an association with unauthorized plant material or soil adhering to or with the articles.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

- (i) “Contraband Material” - Any material imported into or transported within the CNMI by any person in contravention of Plant Quarantine Regulations in this subchapter.
- (j) “Conveyance” - Means any carrier such as a vessel, aircraft, small boat, or shipping container.
- (k) “Culture” - Plant tissue on nutritive media or parts thereof.
- (l) “Cut Flowers” - The fresh cut portion of a plant that is imported for decoration or ornamentation, including leis and bouquets.
- (m) “Declaration” - Refers to a written statement certifying as to plants, plant materials, or other prohibited or restricted articles under the regulations in this subchapter which accompany a person on their arrival from overseas.
- (n) “Delegation” - The Director may, in writing, delegate specific powers designated in the regulations in this subchapter to the Chief of Plant Industry, and these delegated powers will remain effective until revoked. The Chief of Plant Industry may in writing, also delegate specific powers designated in this subchapter, to a nominated position within the Department of Natural Resources, and these delegated powers will remain effective until revoked.
- (o) “Department” - The Department of Natural Resources for the Commonwealth of the Northern Marianas.
- (p) “Director” - The Director for the Department of Natural Resources, or any employee for the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.
- (q) “Division” - The Division of Plant Industry for the Department of Natural Resources.
- (r) “Disease” - A condition caused by a pathogenic organism.
- (s) “Dunnage” - Any timber used in stowage of goods in conveyances such as vessel or cargo containers.
- (t) “Export” - Means to take a thing or cause it to be sent out from the CNMI.
- (u) “First Port of Entry” - The seaport or airport in the Commonwealth in which the conveyance or article first enters.
- (v) “Fresh Fruit and Vegetable” - Means the edible product of any plant whether attached to the plants or not and includes any peel, skin, shell or seeds, whether edible or not, as well as vegetables.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

- (w) “Filler and Greenery” - Fresh foliage used for decoration, such as fern and palm fronds, asparagus fern plumes, pine sprays, willow branches, etc.
- (x) “Garbage” - All refuse waste materials derived in whole or in part from plants, fruits, vegetables, or other plants or refuses of any character whatsoever that has been associated with any such material on board any mean of conveyance, and including food scraps, table refuses, galley refuses, food wrappers or packaging materials, and other waste materials from stores, food preparation areas, passenger or crew quarters, dining rooms or any other areas on vessels, aircraft, or other means of conveyance.
- (y) “Goods” - Mean any movable property.
- (z) “Graded Timber” - A commercial grading of timber strength based on absence of sapwood; absence of bark; degree of sound and unsound knots.
- (aa) “Import” - Means to bring a thing or cause it to be brought into the CNMI from any place outside the country by any means of conveyance.
- (bb) “Importer” - Any person who imports goods, and includes passengers on a conveyance.
- (cc) “Import Permit” - Written or oral authorization issued by authorized officer for the movement into or transfer within the CNMI of any item requiring a permit under this subchapter.
- (dd) “Inspector” - An authorized employee from the Division of Plant Industry, the Division of Animal Health Industry, U.S. Department of Agriculture to perform the quarantine inspection services.
- (ee) “Infected” - Means any condition caused by a plant disease pathogen.
- (ff) “Infested” - Means presence of plant pests other than disease pathogen.
- (gg) “Inspection” - The examination of regulated materials, conveyances containers or other articles for the purpose of detecting infestation or contamination with plant pests or diseases. Inspection may involve removal of regulated article or plant materials, goods, soil, or a sample of them to a quarantine station or laboratory where special facilities are available.
- (hh) “Inspector” - An authorized employee from the Division of Plant Industry’s agricultural quarantine inspection service or the Division of Animal and Health Industry.
- (ii) “Intermediate Quarantine” - The growing of plants intended for consignment to CNMI by an approved overseas authority in an insect proof plant house where the plants are thoroughly screened for plant pests including disease and certified by the responsible

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

authority to the effect that the plants have been grown under insect proof conditions and as far as can be determined are free of plant pests.

(jj) “In Transit” - Regulated articles that arrive in the Commonwealth of the Northern Mariana Islands from outside and that are consigned to a destination outside the Commonwealth, but that are transferred from one conveyance to another, irrespective of the duration of the temporary stay in the Commonwealth.

(kk) “Land” - Includes any surface area, building, wharf, or port facility.

(ll) “Northern Marianas” - The Commonwealth of the Northern Mariana Islands, or any island in this group.

(mm) “Noxious Weed” - Means any plant which either directly or indirectly causes injury to the health of human beings, animals, or plants, which declared by notice of the Director to be harmful and subject to quarantine control or plants listed noxious in 7 CFR 60.

(nn) “Owner” - The person, corporate body, or organization responsible for importation and exportation of regulated articles.

(oo) “Person” - Shall be construed to mean both singular and plural, and shall include individuals, corporations, companies, associations, and societies.

(pp) “Phytosanitary Certificate” - An official or document substantially in the form of the model certificate of the International Plant Protection Convention of 1952 stating facts about a plant or plant product and attesting to that article’s freedom from pests. The document or certificate must be issued and attested by an authorized plant protection official.

(qq) “Plant” - Means all species, varieties, and types of plants or parts thereof including stems, branches, tubers, bulbs, corns, stocks, budwood, cuttings, layers, slips, suckers, roots, leaves, flowers, fruits, seeds, and botanical specimen.

(rr) “Plant Quarantine Permits” - Means a written authorization issued by the Chief of Plant Industry for the movement into or transfer within the CNMI of any plants, plant parts for propagative purposes, cultures, or items designated in the regulation as requiring a permit.

(ss) “Plant Material” - Means all material of plant origin, and includes timber and other items manufactured wholly or in part from plants.

(tt) “Plant Pest” - Means an organism of animal or plant origin which can directly or indirectly cause injury or damage to plants including any living stage of insect, mite, nematode, snail, slug or other invertebrate animal, bacteria, fungi, virus or similar

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

organism, and includes noxious weeds known, or suspected or liable to be harmful to plants.

(uu) “Quarantine” - Means a restriction imposed by duly constituted authorities, whereby the production, movement or existence of plants, plant material, or whereby any other article or material or the normal activity of persons is brought under regulations; in order that the introduction or spread be controlled or eradicated, thereby reducing or avoiding losses that would otherwise occur through damage done by the pest or disease or through a continuing of control measures.

(vv) “Quarantine Area” - Any land where a specified quarantine pest or disease is found together with specified adjoining land declared by the Director of Natural Resources to be a quarantine area for a prescribed period of time.

(ww) “Quarantine Pest” - Means a pest of potential economic importance to the CNMI endangered thereby and not yet present there or present, but not widely distributed, and being actively controlled.

(xx) “Quarantine Station” - Includes a temporary quarantine station, a quarantine check point, a post entry quarantine station, and all facilities and services related to a quarantine station or check point.

(yy) “Regulated Material” - Means garbage, soil, plant pest, substances or articles (not being plant or plant material) and other materials for the importation or movement of which is prohibited or regulated under the provisions of the law or any regulations made thereunder.

(zz) “Re-ship” or “Re-export” - In relation to any imported plant, plant material, or regulated material, means to remove, or send it out from the CNMI by vessel or aircraft as a means of removing the pest risk.

(aaa) “Seed” - The ripened ovule of plant, enclosing a rudimentary plant and food necessary for its termination.

(bbb) “Soil” - Means the loose surface materials of the earth in which plants grow and which may serve to harbor plant pests, in most cases consisting of disintegrated rock with an admixture of organic material, and soluble salt.

(ccc) “Timber” - Includes logs, branchwoods, firewoods, barks, and all-woods which have been split, hewn, sawn, or dressed, but not otherwise manufactured, including pre-fabricated building units, poles wooden cases or boxes, and the like.

(ddd) “Treatment” - Means the employment of remedial measures to ensure removal of injurious or objectionable materials or the elimination, sterilization, or killing of any plant pest for the avoidance of contamination including among other measures such as

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

cleaning, incineration disinfection, disinfestation of plants, plant materials, and/or regulated materials or re-shipment thereof.

(eee) “USDA” - The United States Department of Agriculture.

Modified, 1 CMC § 3806(d), (f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: In subsections (d), (k), (o), (q), (dd), (ll) and (eee), the Commission inserted the final period. In subsection (n), the Commission changed “power” to “powers.” In subsection (s), the Commission changed “good” to “goods.” In subsection (x), the Commission changed “an” to “and.” Finally, in subsection (ii), the Commission changed “oversea” to “overseas.” All of the foregoing were to correct manifest errors. The Commission inserted quotation marks around terms defined.

With respect to the references to the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994) reorganizing the Commonwealth government executive branch, changing agency names and official titles and effecting numerous other revisions. See also PL 10-57 and the general commission comment to this subchapter.

§ 85-60.2-015 Gender, Plurals, Etc.

Unless, it shall clearly appear from the context to the contrary, the use of any gender shall include all genders. The plural shall include the singular, and the singular shall include the plural.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-020 Precedence of Federal Regulations over CNMI’s Regulations

The CNMI’s regulations shall not conflict with or compromise any federal regulations. The importation of domestic plants into the CNMI from foreign countries and the U.S. are subject to the regulations of the U.S. Department of Agriculture, and the CNMI’s regulations. In case of conflict between federal regulations and CNMI’s regulations, the Director of Natural Resources shall make a determination as to which regulations shall apply.

Modified, 1 CMC § 3806(g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission changed “applied” to “apply” to correct a manifest error.

Part 100 - General Requirements

§ 85-60.2-101 Port of Entry

No plants, plant materials, or regulated materials may be imported into the CNMI except through:

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(a) Airport at:
Saipan: Saipan International Airport
Rota: Rota International Airport
Tinian: Tinian Airport

(b) Seaport at:
Saipan: Saipan Harbor
Rota : Rota Harbor
Tinian: Tinian Harbor

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 85-60.2-102 Inspection of Plants or Parts Thereof, Regulated Materials and Conveyances, Charges for Overtime Pay of Quarantine Agents

(a) All plants or parts thereof entering the CNMI are subject to inspection by the quarantine inspectors. These plants or parts may be refused entry into or movement within, the CNMI if they are known to be, or are suspected of being infected or infested with diseases or pests of quarantine significance. In addition, all aircrafts and vessels entering the CNMI or moving within the CNMI, and their cargoes including baggage, ships stores, and ballasts are subject to inspection by the quarantine inspectors for the purpose of enforcing the quarantines, procedures, and controls. It shall be unlawful for any one to interfere with, or to refuse the submission of the above-mentioned inspections.

(b) All air and sea carriers and other persons whose operations require the service of a quarantine agent of the Commonwealth government of the Northern Mariana Islands after normal working hours shall be charged with the overtime pay of the quarantine agent(s) rendering the service.

(1) "After normal working hours" is work performed any time in excess of eight hours on a weekday and the 24 hour period of a Saturday or Sunday. On legal holidays falling on Mondays through Fridays, the charge shall be the holiday pay of the quarantine agents rendering the service during the first eight hours of work performed. Any time in excess of eight hours shall be charged at overtime pay. Overtime pay shall include overtime compensation, and applicable employer contributions for retirement and Medicare.

(2) Service of less than two hours for each arrival shall be charged with the minimum of two hours overtime. Any fraction of an hour in excess of the two hours minimum is charged a full hour. The charge shall commence thirty minutes prior to the scheduled arrival time of a carrier or from the time the quarantine agent leaves his home and shall terminate thirty minutes after the agent leaves the post of duty.

(3) Sea carriers, individuals, non-scheduled aircraft, and others for which overtime services can be specifically assigned, shall be charged for the actual overtime incurred by the quarantine agent(s) providing such services.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(4) Said overtime charges and holiday charges shall be waived when services are rendered to a carrier operating under emergency conditions or for emergency purposes.

(5) For scheduled and extra section flights to Saipan, Tinian, or Rota, quarantine services provided during overtime hours shall be assessed pursuant to Customs Service Regulation section 1302.22(e)(1), codified at NMIAC § 70-10.1-720.

(6) For purposes of application, overtime charges of the Division of Plant Industry Quarantine Service will be included and billed using a standard rate that also includes the overtime charges of the Customs and Immigration and Naturalization Division and assessed pursuant to Customs Service Regulation section 1302.33(e)(1), codified at NMIAC § 70-10.1-720.

(7) At the end of the fiscal year, the Director of Finance will compute actual costs in accordance with the percentage allocation formula set forth in Customs Service Regulation section 1302.22(e)(1), codified at NMIAC § 70-10.1-720.

(c) When a quarantine officer is assigned to any vessel or aircraft for the purpose of conducting an inspection and clearance during the journey, the master of the carrier, owner, or agent must furnish such officer the accommodations usually supplied to passengers. In addition, the master, owner, or agent shall furnish all air or sea transportation required in order for the quarantine officer to board such aircraft or vessel. The quarantine service charge to be imposed shall be in accordance with subsection (a) of this section.

(d) Non-performance of Requested Service. If employees have reported to work in order to provide requested overtime services, but services are not performed by reason of circumstances beyond the control of the employees concerned, compensation shall be in accordance with subsection (a) of this section.

(e) Notice of Rate Change. The Director of the Department of Finance pursuant to the authority granted the Director under 4 CMC § 2553, may change the rate and basis for allocation used for billing overtime services upon 90 days public notice.

(f) Interest Charge. Interest charge of fifteen percent per annum shall be imposed on all unpaid charges required by this section.

Modified, 1 CMC § 3806(c), (e), (f), (g).

History: Certified 15 Com. Reg. 10508 (Apr. 15, 1993); Adopted 15 Com. Reg. 10504 (Mar. 15, 1993); Proposed 15 Com. Reg. 10439 (Jan. 15, 1993); Emergency 14 Com. Reg. 9783 (Oct. 15, 1992) (effective for 120 days from Oct. 7, 1992); Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The 1993 amendments deleted and replaced this section in its entirety.

In subsection (a), the Commission changed “baggages” to “baggage” to correct a manifest error. The Commission corrected the capitalization of “Medicare” in subsection (b)(1) pursuant to 1 CMC § 3806(f). The Commission inserted commas after the words “Tinian” in subsection (b)(5) and “owner” in subsection (c) pursuant to 1 CMC § 3806(g).

§ 85-60.2-104

Required Declaration and General Prohibition

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(a) Every person entering the Commonwealth shall be required to make a written declaration in respect of plants, plant materials, soil, cultures, or other things subject of this subchapter.

(b) No person may introduce into the CNMI any plant, plant material, or any other things subject to the regulations in this subchapter, unless, the provisions of this subchapter have been duly complied with in respect of plants, plant materials, or other regulated materials.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

In subsection (a), the Commission inserted the final period. In subsection (b), the Commission changed “of the regulations” to “to the regulations” to correct a manifest error.

§ 85-60.2-106 Availability of Manifests and Movement Information

Cargo manifests and other similar documents concerning aircrafts and vessels traveling into or within the CNMI will be made available to the quarantine inspectors upon request. Those authorities having information as to the movement of aircrafts and vessels will furnish such information to the inspectors upon request.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission corrected the spelling of “traveling.”

§ 85-60.2-108 Plant Quarantine Permits

(a) Plant quarantine permits are required as a condition of entry into the CNMI. Both oral and written permits are required for shipments of more than 12 plants; plants requiring treatment as a condition of entry; and plants requiring post-entry growing. Application forms for plant quarantine permits can be secured from the Plant Industry at Kagman or other Plant Industry facilities on other islands. Application of permit for the international importation of plants or plant products (PPQ form 587) can be obtained from the listed address above, or from PPQ APHIS USDA, Box 87679, Tamuning Guam 96911. On the application form, the imported plants must write the names (common English name, if any, and preferable the scientific name) and quantities of each item to be imported or moved within the CNMI. The place of origin and destination of plants. must also be specified on the application form.

(b) Plant quarantine permits are required for those plants and cultures which are allowed entry into the CNMI. The conditions of the granted entry for plants will be

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

specified on the permit, and must be complied with, otherwise, the permit becomes invalid. Permit may be issued for a single entry or multiple entries as necessary to facilitate commerce.

(c) In general, permits will be issued only for each separate importation. However, in special approved cases by the Chief of Plant Industry, the continuing permits for a stated period may be issued. Permits are required for the import of raw timber.

Modified, 1 CMC § 3806(d), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

In subsection (b), the Commission changed “compile” to “complied.”

§ 85-60.2-110 Quarantine of Infested or Infected Articles

If the inspector is not satisfied with the imported plants from pests free,* he shall advise Customs that plants, plant materials, and/or goods are to be held under quarantine control. The inspector shall not release the plants, plant materials, and/or goods, until any quarantine pest has been eliminated.

*So in original.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-112 Quarantine Seal

Upon arrival in the Commonwealth a quarantine inspector may place a quarantine seal on any container or package of imported goods for subsequent quarantine inspection. Any person interfering with these seals without authority of an agriculture quarantine inspector is guilty of an offense.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission changed “a” to “an” to correct a manifest error.

§ 85-60.2-114 Treatment

If the inspector detained the imported plants, plant materials, and/or goods of the evidence of infection, infestation, suspected infection, or suspected infestation he/she may order a treatment as prescribed at the importer’s expense.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

§ 85-60.2-116 Release/Clearance of Plants, Plant Materials or Goods

With the compliance of all other requirements in this subchapter for imported plants and the subsequent satisfactory conclusion of the prescribed treatment, the inspector shall advise the importer or owner for the release of quarantined items with the amount of fee to be paid for the services.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-118 Approved Places for Quarantine to Take Place

When goods have been ordered into or placed in quarantine, the Chief of Plant Industry may, in writing, approve the place other than a quarantine station as a place where quarantine of plants, plant materials, or goods may take place. Any quarantine action may be undertaken at such an approved place as an inspector may direct.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-120 Transport, Storage, Unpacking, and Treatment at Importer's Expense

Prior to the release of any imported plants, plant materials and/or goods, the importer or owner may be required by the Chief of Plant Industry to provide for or to meet the cost of transport, unpacking, security, storage, and treatment as prescribed including cleaning and sorting.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-122 Seizure and Destruction

Any non-enterable plants, plant products, or regulated materials without a permit may be seized by an inspector, and treated by order of the Chief of Plant Industry, or re-shipped in accordance with directions of the Chief for Plant Industry.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission changed "seizured" to "seized" to correct a manifest error.

§ 85-60.2-124 Disposal of Plant Material Carrying or Believed to be Carrying a Plant Pest

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

The Chief of Plant Industry shall order the destruction of the consignment of imported plants, plant materials, or goods, if the quarantine inspector believes, the following:

- (a) Any plant or regulations, but on examination or re-examination to be carrying or liable to be carrying a plant pest or disease;
- (b) If the quarantine inspector believes in his opinion that the plant pest or disease cannot be effectively treated to eradicate the plant pest or disease; and
- (c) If within a specified period of notification designated by the Chief of Plant Industry importer has not re-exported or re-shipped the plants, plant materials, or goods.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: In subsection (b), the Commission changed “plants” to “plant” to correct a manifest error.

§ 85-60.2-126 Any Plants, Plant Materials, or Goods Returned Back into Quarantine

An inspector may examine plants, plant materials, or goods that have been released from quarantine. If the inspector in his/her opinion after re-examination feels that there is a danger of spreading a plant pest, the Chief of Plant Industry may order the plants, plant materials, or goods back into the quarantine. The owner shall immediately fulfill the instructions issued by the inspector, and the owner shall meet all costs.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-128 Quarantine Forms

The Chief of Plant Industry may devise forms with the approval by the Director of Natural Resources which are to be used by importers desiring to import plants and plant materials including agricultural and forestry seeds, fruit, vegetables and tissue cultures.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: With respect to the reference to the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994) reorganizing the Commonwealth government executive branch, changing agency names and official titles and effecting numerous other revisions. See also PL 10-57 and the general commission comment to this subchapter.

§ 85-60.2-130 Department Permit

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Plants, plant products, and goods specifically prohibited by the regulations in this subchapter may be imported under a permit issued by the Director. This permit will specify measures to prevent the entry or dissemination of plant pests.

Modified, 1 CMC § 3806(d).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-132 Inspection and Treatment for Conveyances Arriving into CNMI

(a) Immediately, upon arrival of any conveyance from overseas, the quarantine inspector shall board the conveyance. He/she may undertake an inspection of its cargoes, baggage, and provisions, and he/she may order treatment where necessary.

(b) No person shall enter the conveyance, or remove any baggage or cargo from the conveyance without the authority of the inspector, or until the inspection examination, or treatment is completed.

(c) Inspection and treatment may include:

(1) Inspection of conveyance, its cargoes and stores as well as treatment, if necessary at the expense of the owner of the conveyance; and

(2) Spreading of every compartment of any conveyance as prescribed.

(d) In the case of a conveyance entering an undeclared port, all costs, associated with the quarantine inspection are to be met by the owner.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

In subsection (a), the Commission changed “baggages” to “baggage” to correct a manifest error.

§ 85-60.2-134 Official Introduction

Official importations by the Chief of Plant Industry under the approval of the Director for the Department of Natural Resources are exempt from the prohibitions and restrictions hereafter in this subchapter. Such importation are* subject to a measure prescribed by the Chief of Plant Industry to ensure absolute prevention of entry, and dissemination of plant pests.

* So in original.

Modified, 1 CMC § 3806(d).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Commission Comment: With respect to the reference to the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994) reorganizing the Commonwealth government executive branch, changing agency names and official titles and effecting numerous other revisions. See also PL 10-57 and the general commission comment to this subchapter.

§ 85-60.2-136 Quarantine for Live Plants

In lieu of post-entry quarantine for live plants, the Chief of Plant Industry may prescribe a period of intermediate quarantine at an approved location overseas, where the plant material is to be established and screened, as if undergoing post-entry quarantine.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission changed “oversea” to “overseas” to correct a manifest error.

§ 85-60.2-138 In Transit Material

Any plant or other quarantine material in transit through the Commonwealth of Northern Mariana Islands on aircrafts or vessels, will be kept aboard such aircraft or vessel under secured conditions while in port or on any island of the CNMI, unless such material is otherwise enterable. If it is necessary to transfer such quarantine material from one vessel or aircraft to another, such transfer will be made under the direction of the quarantine inspector with safeguards as deemed necessary.

Modified, 1 CMC § 3806(g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission changed “CMI” to “CNMI” to correct a manifest error.

§ 85-60.2-140 Contraband Material

Anything attempted to be entered into or transported within the CNMI in contravention of the quarantine, procedures, and controls will be seized by the quarantine inspector, and destroyed by fire or other appropriate means, or returned to its place of origin, or re-shipped out from the CNMI at importer’s expense.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-142 Disinsection

Any aircraft or vessel that is known to be harboring or suspected to be harboring insects or other agricultural pests at a reasonable ground will be subject to spraying with

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

insecticides and other treatment as deemed necessary by the quarantine inspector after passengers, and cargoes are released.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-144 Exclusion of Liability

Neither the Director of Natural Resources nor the Chief of Plant Industry nor any inspector shall be liable for any loss or damage resulting from exercise of powers under the regulations in this subchapter.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Part 200 - Regulations Concerning Entry of Plants, Plant Materials, Regulated Materials, Goods, Pests into the Commonwealth of the Northern Mariana Islands

§ 85-60.2-201 Import Permit

Import permit is required for the importation of regulated articles. Importation permit is not required for all non-regulated articles. However, these non-regulated articles are subject to inspection upon arrival. Persons interested in importation of plants and plant products into the CNMI should contact: the Chief of Plant Industry, Department of Natural Resources, Kagman Agriculture Station, Saipan, MP 96950.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-202 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, corns, 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 be issued by the Plant Protection Service from country origin of the plants.
- (c) The certificate issued is not more than 60 days before the dispatch of the consignment, and must be made up in English language.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(d) If the consignment imported into the CNMI is not the country of origin, the consignment shall be accompanied by a phytosanitary certificate for the country of origin, or an authorized copy therefore, together with a declaration or re-export, issued by the country from where it was dispatched.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: In subsection (a)(7), the Commission inserted the final period.

§ 85-60.2-204 General Shipping Requirements

(a) Each shipment of plants into the CNMI shall be marked to show name and address, of the shipper or owner, name of consignee, contents and place of origin for the grown contents. Any person transporting, receiving, or importing into the CNMI of any plant, product, or soil must have an import permit.

(b) At the port of entry, all shipments of plants and plant product regulated by this subchapter will be examined, if the shipments are found infested with any pest liable to be detrimental to agriculture. These shipments shall be destroyed, treated, or processed at the owner's expense. All shipped plants into the CNMI must be free of soil.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

§ 85-60.2-206 Plant Materials Subject to Inspection and Disposal

All florist's stocks, 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 the CNMI.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-208 Living Insects and Plant Diseases

It is prohibited to ship or transport any live insects, plant pathogens and all other plant pests into the CNMI. Such shipment shall be authorized prior to transport under written permit and regulations of the [Division of] Plant Industry. Any unauthorized shipment shall be destroyed immediately, unless it is determined by the inspecting officer of its harmless nature on its contents to the agriculture in the CNMI.

Modified, 1 CMC § 3806(g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Commission Comment: The Commission corrected the spelling of “pathogens.”

§ 85-60.2-210 European Corn Borer (*Ostrinia nubilalis*)

(a) Regulated Products - Corn, broomcorn, sorghums, and sudangrass plants and all parts therefore, 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 corns without stems).

(b) Shipping Requirements - Regulated product must be certified as meeting the following requirements:

(1) Shelled grain and seeds or corn, broomcorn, sorghums and sudangrass grown in or shipped from the infested area must be fumigated in a manner approved by 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 countries under quarantine, but not in the infested area shall be accompanied by country of origin certificate affirming that it was produced in a 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 infested area. The certificate shall show the kind and quantity of commodity, and the name and address of shipper or consignee.

(3) Stalks, ears, cobs, or other parts of corn, broomcorn, sorghums, and sudangrass, as such, or as packing or otherwise, from the infested area shall be sterilized or disinfected in a manner approved by Chief of Plant Industry or the U.S. Department of Agriculture. Certification shall show the date and full particulars of the treatment given.

(4) Stalks, ears, cobs, or other parts of corn, broomcorn, sorghums, and sudangrass grown in and shipped from countries under quarantine, but not in the infested area shall be accompanied, by country of origin certificate affirming that they were produced in a 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)(i) Vegetable and ornamental plants and plant products, 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., holly-hock, marigold zinnia, Japanese hop, dahlia (except tubers without stems), and gladiolus (except corns without stems) produced in or shipped from the infested area shall be accompanied with the U.S. Department of Agriculture certificate 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 Chief of Plant Industry, and U.S. Department of Agriculture. Fumigated certificate shall show the date and method of treatment. These special restrictions on the movement into the CNMI of the above regulated plants, plant products cut flowers donor apply when produced in and shipped from any country not in the infested area.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(ii) Manufactured or processed products - Regulated products are exempted from the restrictions of the quarantine, when so processed or manufactured as to eliminate infestation by the borer.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: In subsection (a), the Commission inserted a closing parenthesis after “stems.” In subsection (b)(4), the Commission changed “identify” to “identity” and in subsection (b)(5), the Commission changed “found free and” to “found free of” to correct manifest errors.

§ 85-60.2-212 Citrus Virus Diseases

Shipment into CNMI of any and all kinds of citrus trees and parts thereof including budwoods and scions (but not seed) is prohibited. The citrus nursery stock accompanied by an inspection certificate may be admitted, when shipped from Washington, D.C. by the Agricultural Research Services, U.S. Department of Agriculture, and certified virus free sources in U.S. or the orient. This regulation does not apply to citrus fruits.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-214 Oriental Fruit Fly (*Dacus dorsalis*)

(a) Infestation Area - See the current listing from the Division of Plant Industry.

(b) Hosts -Tomatoes, mangoesteem, guava, *Averrhoa carambola*, *Cananga adorata*, *Eugenia* sp., mangoes, pineapple, bell pepper, citrus fruits, bananas, green peppers, grapes, ponalog, avocado, papaya, figs, persimmons, loguats, bananas, *Solenum* sp., *Carcinia* sp. All fruits listed above and other fruits reported as host of oriental fruit fly are prohibited entry into the CNMI from the infested countries.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-216 Mediterranean Fruit Fly (*Ceratitis capitata*)

(a) Infested Area - See the current listing from the Division of Plant Industry.

(b) All fruits and vegetables except non-cooking type bananas, pine apples, taro, and coconuts are prohibited entry into the CNMI from the infested areas of countries.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-218 Mexican Fruit Fly (*Anastrepha ludens*)

(a) Infested Area - See the current listing from the Division of Plant Industry.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(b) 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 CNMI from the infested areas of countries.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-220 Diseases and Insects of Onions

(a) Infested Area - See the current listing from the Division of Plant Industry.

(b) Green onions and *Allium* spp. from the countries infested with tip die back disease, *Mycosphaerella schoenoprasii* and the leaf miner of onions, are prohibited entry into the CNMI with tops.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-222 Coconut Diseases and Insects

(a) Infested Area - See the current listing from the Division of Plant Industry.

(b) The importation of red ring, lethal yellowing (kaincope), Cadang-cadang, kerals wilt, leaf sorch, little leaf, and Malaysian wilt for planting materials are prohibited importation into the CNMI. (See up-date listing.)

(c) The importation for all parts of the coconut trees except without husk are also prohibited into the CNMI for the occurrence of coconut lispid, *Brontispa* sp. (See up-date listing.)

Modified, 1 CMC § 3806(g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: In subsection (c), the Commission corrected the spelling of “occurrence.”

§ 85-60.2-224 Banana Diseases and Insects

(a) Infected Area - See the current listing of infested countries, bunchy top, bacterial wilt, burrowing nematode, and banana scab moth from the Division of Plant Industry.

(b) Shipment into the CNMI 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 into CNMI from any country except nursery stock from the U.S. with the

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

certification by State Department of Agriculture or USDA 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, or as otherwise permitted by the Chief of Plant Industry.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission corrected the capitalization of scientific names pursuant to 1 CMC § 3806(f).

§ 85-60.2-226 Sweet Potato Insects and Diseases

(a) Infested Area - See the current listing of infested countries from the Division of Plant Industry.

(b) 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.

(c) 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 with accompanied phytosanitary certification issued by the state or USDA. The phytosanitary certificate shall state that sweet potato material is free from southern blight and virus diseases.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission corrected the capitalization of scientific names pursuant to 1 CMC § 3806(f).

§ 85-60.2-228 Taro for Planting and Propagation

It is forbidden to import the root or stem portions of taro (*Colocasia*, *Alocasia*, and *Cyrtosperma* spp.) from planting or propagation except from Hawaii and the mainland, United States with accompanied phytosanitary certificate issued by a state, or USDA. The phytosanitary certificate shall state that taro is free from the southern blight caused by *Pellicularia Rolfsii* (sym. *Sclerootium Rolfsii*).

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-230 Queensland Fruit Fly (*Dacus tryoni*)

(a) Infested Area - See the current listing from the Division of Plant Industry.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(b) Hosts - Papaya, sour orange, lemon, grape fruit, mandarin orange, sweet orange, guava, cashew, cucumber, quince, persimmon, banana, loguat, fig, tomato, apple, mango, mulberry, apricot, peach, sour cherry, garden plum, nectarine, pear, grape, and *Rubus* sp.

(c) All the fruits listed as hosts for the Queensland fruit fly are prohibited entry into the CNMI from the current listing.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-232 Melon Fly - (*Dacus cucurbitae*)

(a) Infested Area - See current listing from the Division of Plant Industry.

(b) Hosts - *Memordiza charantia*, *Luffa cylindrica* and other plant materials belonging to the family *Cucurbitaceae*, *Citrullus vulgaris*, *Artocarpus heterophyllus*, *Baccaurea angulata*, *Psidium guajava*, mango, *Lageraria leucantha*, *Eugenia javaniza*, egg plant, beans, pepper, passion fruit, and tomatoes.

(c) Since, the melon fly eradication and surveillance programs are operated in the CNMI, the hosts plant materials of the melon fly from the infested list of countries are prohibited entry into the CNMI.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-234 Packing Materials

It is prohibited to import into the CNMI all packing materials except wood, wood shavings, sawdust, processed fibers and materials not originating from plants and animals. The clean sphagnum moss may be used as living plant packing material for import into the CNMI. No second, used bags, or any such packing shall be used for the import of any type of goods.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-236 Construction Materials

Unpeeled logs are prohibited entry into the CNMI. Peeled saw logs, lumbers, saw and wallboards are enterable into the CNMI, only, if examination by an inspector reveals no termites or boring insects in the log or lumber. Green and dry bamboo poles are prohibited entry into the CNMI. Dry bamboo poles and other bamboo products may be permitted entry into the CNMI, if chemically treated by shellack, varnish, lacquer, or paint. Any manufactured article partly or wholly from timber is liable for inspection by quarantine.

Modified, 1 CMC § 3806(f).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-238 Stored Dried Products

Stored dried products of human food products and animal feeds are the enterable into the CNMI, but are subject to inspection as conditions of entry. They may be refused entry, if found infested with storage pests and diseases.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-240 Enterable Fresh Fruits and Vegetables

See the current listing of different countries for all enterable fruits and vegetables from the Division of Plant Industry, or CFR 318.13, or CFR 319.56, as appropriate.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original regulation did not list which title of the Code of Federal Regulations was referenced.

§ 85-60.2-242 Entry of Handicrafts Made from Plant Material

Provided handicrafts do not contain any material prohibited under these regulations, handicrafts shall also be subject to inspection and treatment as required.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-244 Live Plants other than Seeds or Tissue Culture

(a) Living plants including cuttings, scions, clones, tubers, roots, or any other portion of a plant included for propagation, except seeds, shall be permitted entry into the CNMI or movement from one island into another, provided, a plant permit has been issued. The permit shall state specific requirements of the certification and/or treatment prior to dispatch from overseas.

(b) The entry of planting material (cuttings, budwoods, stocks, tubers, corns, bulbs, suckers) other than seed should be limited to the smallest quantity of propagating material consistent with good horticultural practices and satisfactory establishment of the introduced cultivar.

(c) No live plants shall be introduced unless an import permit has been obtained from the Chief of Plant Industry in advance of arranging the import. The permit shall state specific requirements of certification and/or treatment prior to dispatch from overseas.

(d) If permit has not been obtained for the living plants, they shall be destroyed on arrival, or re-shipped at the owner's expense.

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

(e) Importation of plants, including rooted cuttings, and any plant division or seedling is limited to soil free plants and plant parts. An approved packing material may be used around the roots of the plant after the soil have been removed. Plants including seeds and seedlings established in a growing medium (except in sterile flasks) are not admitted.

(f) The prescribed treatment in the country of origin may be arranged by the importer. Endorsement on the phytosanitary certificate of treatment undertaken is required.

(g) Upon arrival the plants shall be carefully examined. If the plants are treated overseas, the treatment as prescribed shall be applied prior to the release of the plants to the importer.

(h) If insect infestation, nematode attack, or infection with disease is detected, the whole consignment of the particular cultivar is to be destroyed by burning.

(i) The Chief of Plant Industry reserves the right to prescribe intermediate quarantine at an approved overseas location. Such details are to be set out when permit is issued.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (i).

§ 85-60.2-246 Seeds

(a) Seeds, refers to all seeds other than flower and vegetable seeds in hermetically sealed commercial packets. Seeds include field crop seeds, pasture seeds, forage crop seeds, green manure* (cover) crop seeds, and forest tree seeds. All such seeds require a permit. They shall be accompanied by phytosanitary certificate. Other specific documentation may include a seed analysis report from the country of origin specifying foreign seeds and materials. Shipments contained with soil, insects or disease of quarantine significance, or seeds of plants defined in definition of noxious weed shall be refused entry into the CNMI.

(b) Upon arrival, samples of seed shall be drawn for examination. If necessary, in the opinion of the Chief, treatment shall be applied as prescribed.

(c) All seeds shall be free from injurious extraneous matter including soil, noxious weeds, insects, and diseases such as ergot. They shall also be subject to such conditions as the Chief of Plant Industry considers appropriate to require.

* So in original.

Modified, 1 CMC § 3806(f).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

§ 85-60.2-248 Flowers

(a) Cut flowers, flower leis, corsages, Christmas trees and floral wreaths are enterable into the CNMI, only, if items are surrendered to the quarantine inspector. They shall be free of evidence from pests or plant disease symptoms upon examination.

(b) Dry plant materials that have been dried and bleached, dyed or chemically treated, or simply thoroughly dried are subject to inspection as a condition of entry.

(c) Tissue cultures of plants in sterile flasks may be imported on the basis of a permit from the Chief of Plant Industry specifying conditions certification of virus status. They are also subject to inspection on arrival and treatment as prescribed.

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

In subsection (a), the Commission corrected the spelling of “surrendered.”

§ 85-60.2-250 Entry of Non-plant Articles

Non-plant articles contaminated with soil or infested with pests are subject to such treatment, including cleaning as directed by Chief of Plant Industry or as prescribed.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

§ 85-60.2-252 Entry of Cultures or Organisms

No person shall import any living culture or organism, including parasites, predators, arachnids*, molluscs, nematodes, fungi, bacteria, viruses, mycoplasma, parasitic plant organism, plant pests, or other invertebrate animal, unless a specific written permit has been issued by the Chief of Plant Industry in advance of importation and only in compliance with conditions imposed by such permit.

Modified, 1 CMC § 3806(g).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The Commission corrected the spelling of “invertebrate.”

§ 85-60.2-254 Garbage

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

It is prohibited to import garbage into the CNMI. All garbage on board ships and aircraft entering the CNMI shall be incinerated at the port of entry.

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: On April 6, 2004, the Department of Lands and Natural Resources promulgated an emergency provision amending this part to add a section prohibiting the importation of betel nut from the island of Guam. See 26 Com. Reg. 22227 (Apr. 23, 2004) (effective for 120 days from Apr. 6, 2004). As of December 2004, the prohibition had not been permanently adopted.

Part 300 - Interim Rules

§ 85-60.2-301 Interim Rules

The Department shall have the power to establish, implement, and enforce interim rules governing the transportation of flora and fauna into the CNMI. Any interim rule shall be adopted in the absence of effective rules to protect the health and safety of the public as well as the ecological health of flora or fauna present in the CNMI. No interim rules shall be adopted without such finding by the Director of Natural Resources.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: With respect to the reference to the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994) reorganizing the Commonwealth government executive branch, changing agency names and official titles and effecting numerous other revisions. See also PL 10-57 and the general commission comment to this subchapter.

Part 400 - Export Requirement

§ 85-60.2-401 Plants

(a) The Chief of Plant Industry may issue phytosanitary certificates based on the staff's findings on the plants or plant materials performed at the request of the exporters to aid them in meeting the entry requirements of the importing country.

(b) This certificate shall only be issued for plants or plant materials produced in the CNMI.

(c) The issuances of a phytosanitary certificate in no way releases the importer from compliance with any imported regulations of the consigned country.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

§ 85-60.2-405 Nursery Stock Export Shipments

- (a) The Division may certify as to the pest condition or post treatment of shipments when officially required. Fee shall be charged for the certificates.
- (b) Any treatment of nursery stock required under the provisions of law shall be at the risk and at the expense of the owner. Fees shall be determined at time of inspection.
- (c) The Division may also issue and authorize the use of nursery stock certificates by any shipper complying with its regulation for nursery inspection. Fees shall be charged for nursery certification. Nursery stock certificate shall not be altered or misused.
- (d) The Department of Natural Resources may revoke or suspend the right to use any nursery stock certificate for failure to comply with requirement for their use.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (d).

With respect to the reference to the Department of Natural Resources, see Executive Order 94-3 (effective August 23, 1994) reorganizing the Commonwealth government executive branch, changing agency names and official titles and effecting numerous other revisions. See also PL 10-57 and the general commission comment to this subchapter.

Part 500 - Miscellaneous Provisions

§ 85-60.2-501 Entry Via the Post Office

- (a) Any plant, plant material, and regulated material entering CNMI by means of the postal service is liable to quarantine inspection and treatment, if necessary in accordance with the regulations in this subchapter.
- (b) Fees for quarantine permits or any quarantine services and related activity can be determined by the Chief of Plant Industry, and will be duly published.

Modified, 1 CMC § 3806(d), (f).

History: Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

Part 600 - Penalties

§ 85-60.2-601 Penalties

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Pursuant to 2 CMC § 5310, any person who violates any part of the regulations in this subchapter shall be guilty of a misdemeanor.

Modified, 1 CMC § 3806(d).

History: Amdts Adopted 15 Com. Reg. 11058 (Oct. 15, 1993); Amdts Proposed 15 Com. Reg. 10750 (July 15, 1993); Adopted 11 Com. Reg. 6496 (Sept. 15, 1989); Proposed 11 Com. Reg. 6332 (July 15, 1989).

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

SUBCHAPTER 85-60.3 REGULATIONS TO PLACE A QUARANTINE UPON FRUITS AND VEGETABLES FROM GUAM, THE UNITED STATES AND OTHER COUNTRIES

Part 001	General	Provisions	§ 85-60.3-105	Exceptions
[Reserved]			§ 85-60.3-110	Inspection
Part 100	Quarantine Established		Appendix A	Melon Fly Hosts
§ 85-60.3-101	Quarantine			

Subchapter Authority: PL 1-8 (formerly codified at 1 CMC §§ 2651, et seq.); 1 CMC § 2654; 2 CMC §§ 5301-5310.

Subchapter History: Amdts Adopted 13 Com. Reg. 7705 (May 15, 1991) (repealing the quarantine measure published Mar. 15, 1989 on fruits and vegetable entering Rota and extending such measure); Amdts Proposed 13 Com. Reg. 7658 (Mar. 15, 1991); Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).

Commission Comment: PL 1-8, tit. 1, ch. 13 (effective Aug. 10, 1978), formerly codified at 1 CMC §§ 2651, et seq., originally created a Department of Natural Resources within the Commonwealth government.

Executive Order 94-3 (effective August 23, 1994) reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3 § 104:

Section 104. Department of Lands and Natural Resources.

The Department of Natural Resources is re-designated the Department of Lands and Natural Resources.

The full text of Executive Order 94-3 is set forth in the commission comment to 1 CMC § 2001.

In 1997, the Legislature passed the “Public Lands and Natural Resources Administration Act of 1997,” PL 10-57 (effective Apr. 18, 1997), codified as amended at 1 CMC §§ 2651-2691. PL 10-57 repealed and reenacted chapter 13, division 2 of title 1 of the Commonwealth Code, 1 CMC §§ 2651, et seq., and statutorily established the Department of Lands and Natural Resources (DLNR) with the structure, duties and responsibilities set forth in the act. See 1 CMC § 2651 and the commission comment thereto.

1 CMC § 2653(j) authorizes DLNR to “promote, develop, and administer agricultural programs, including but not limited to, plant industry, agricultural extension services, and animal industry and health.” 1 CMC § 2654 authorizes the Department of Lands and Natural Resources to adopt rules and regulations in furtherance of its duties and responsibilities.

Title 2, division 5, chapter 3 of the Commonwealth Code specifically addresses quarantine regulations. See 2 CMC §§ 5301-5310. 2 CMC §§ 5302 and 5303 direct the Director of Natural Resources (now the Secretary of Lands and Natural Resources) to issue plant and animal quarantines and regulations and administer their provisions.

Prior to 1989, the Director of Natural Resources issued the following emergency quarantine measures and regulations regarding the shipment of fruits and vegetables from Rota under the authority of PL 1-8 and 2 CMC §§ 5301-5310: Proposed 10 Com. Reg. 5538 (Apr. 15, 1988) (“Regulations Lifting the Quarantine of

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Fruits and Vegetables from Rota into Saipan and Tinian and Extending Quarantine from Rota, Tinian and Saipan into Northern Islands); Emergency and Proposed 5 Com. Reg. 2123 (May 27, 1983) (effective for 120 days from April 28, 1983) (“Regulations Establishing a Quarantine for Rota Fruits and Vegetables.”); Emergency and Proposed 5 Com. Reg. 1789 (Feb. 28, 1983) (effective for 120 days from Feb. 1, 1983) (“Regulations to Place a Quarantine upon Fruits and Vegetables from Rota.”); 3 Com. Reg. 1283 (June 30, 1981) (emergency quarantine measure prohibiting shipments of fruits and vegetables from Rota to other areas of the CNMI effective June 26, 1981).

The 1988 proposed regulations provided: “The quarantine measure imposed by regulations issued by the Director on January 28, 1983 (Commonwealth Register Vol. 5 No. 2 dated February 28, 1983 Page 1789) in regard to fruits and vegetable entering Saipan and Tinian from Rota by any means will be repealed effective 30 days from the date of this notice is published in the Commonwealth Register.” 10 Com. Reg. at 5538 (Apr. 15, 1988). Section 4 of the proposed 1988 regulations also stated: “Except as provided herein, the previous regulations regarding the quarantine of fruits and vegetables from the island of Rota into the islands of Saipan and Tinian, published in the Vol. 5, No. 2 of the Commonwealth Register, dated February 28, 1983, are hereby repealed.” 10 Com. Reg. at 5531 (Apr. 15, 1988).

The Director of Natural Resources also issued “Emergency Regulations Establishing a Quarantine for Citrus Fruits from the Federated States of Micronesia, the Republic of Belau and the Republic of the Marshall Islands.” See 6 Com. Reg. 2601 (Mar. 15, 1984) (effective for 120 days from Feb. 23, 1984).

Part 001 - General Provisions

[Reserved.]

Part 100 - Quarantine Established

§ 85-60.3-101 Quarantine

There is hereby established in the Commonwealth of the Northern Mariana Islands a quarantine upon all fruits and vegetables transported by any means from Guam, the United States, and other countries outside of the U.S. soil into the islands of the Commonwealth of the Northern Mariana Islands. No fruits and vegetables that have been present on Guam, the United States and other countries outside of the U.S. soil shall be allowed into the Commonwealth of the Northern Mariana Islands. (See addendum for reference.)

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 13 Com. Reg. 7705 (May 15, 1991) (repealing the quarantine measure published Mar. 15, 1989 on fruits and vegetable entering Rota and extending such measure); Amdts Proposed 13 Com. Reg. 7658 (Mar. 15, 1991); Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).

Commission Comment: The text of the 1991 repeal and extension of this quarantine measure was not published with the public notice of adoption. The Commission changed this section to reflect the language of the May 1991 notice of adoption.

§ 85-60.3-105 Exceptions

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Those fruits or vegetables which are “root crop” shall not be subject to exclusion. “Root crops” consist of plants in which the edible portion is the root, including, but not limited to taro.

Modified, 1 CMC § 3806(f).

History: Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).

§ 85-60.3-110 Inspection

All plants or parts thereof from Guam, the United States, and other countries outside of the U.S. soil into the islands of the Commonwealth of the Northern Mariana Islands are subject to inspection. All aircrafts and vessels, or their cargoes and passengers, and their baggage are stopped on these mentioned islands.

Modified, 1 CMC § 3806(f), (g).

History: Amdts Adopted 13 Com. Reg. 7705 (May 15, 1991) (repealing the quarantine measure published Mar. 15, 1989 on fruits and vegetable entering Rota and extending such measure); Amdts Proposed 13 Com. Reg. 7658 (Mar. 15, 1991); Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).

Commission Comment: See the commission comment to § 85-60.3-101.

The Commission changed “baggages” to “baggage” to correct a manifest error.

**Appendix A
Melon Fly Hosts**

The melon fly host list has been separated into lists that indicate those that are preferred hosts and other recorded hosts.

Preferred

Common Name	Scientific Name
Balsam apple	<i>Momordica balsamina</i>
Balsam pear	<i>Momordica charantica</i>
Bottle gourds	<i>Lagenaria vulgaris</i> <i>Lagenaria leucantha</i> <i>Lagenaria siceraria</i>
Canada pumpkin	<i>Cucurbita moschata</i>
Cantaloupe	<i>Cucumis melo</i> and <i>Cucumis melo var. cantalupensis</i>
Chayote	<i>Sechium edule</i>
Chiles, peppers	<i>Capsicum annum</i>
Chinese cucumber (gourd)	<i>Momordica</i> sp.
Chinese melon	<i>Benincasa hispida</i>
Cowpea	<i>Vigna sinensis</i>
Cowpea, sitao	<i>Vigna</i> sp.
Cowpea, yardlong	<i>Vigna sesquipedalis</i>
Cucumber	<i>Cucumis sativus</i>
Dishcloth gourd	<i>Luffa aegyptiaca</i>
Eggplant	<i>Solanum melongena</i> = (<i>Luffa cylindrica</i>)
Fig, common	<i>Ficus carica</i>
Guava, cattley	<i>Psidium cattleianum</i>
Hubbard, squash	<i>Cucurbita maxima</i>

TITLE 85: DEPARTMENT OF LANDS AND NATURAL RESOURCES

Hyacinth bean	<i>Dolichos lablab</i>
Lima bean	<i>Phaseolus lunatus = (limensis)</i>
Long melon	<i>Cucumis utillissimus</i>
Mandarin	<i>Citrus reticulate</i>
Mango	<i>Mangifera indica</i>
Melon	<i>Citrullus colocynthis</i>
Orange, king	<i>Citrus nobilis</i>
Orange, sweet	<i>Citrus sinensis</i>
Oriental pickling melon	<i>Cucumis melo var. conomon</i>
Papaya, common	<i>Carica papaya</i>
Peach	<i>Prunus persica</i>
Pumpkin	<i>Cucurbita pepo</i>
Ribbed gourd	<i>Luffa acutangula</i>
Scarlet wisteria tree	<i>Sesbania grandiflora</i>
String bean	<i>Phaseolus vulgaris</i>
Squash melon	<i>Citrullus vulgaris var. fistulosus</i>
Tomato	<i>Lycopersicon esculentum</i>
Tree tomato	<i>Cyphomandra betacaea</i>
Water lemon	<i>Passiflora laurifolia</i>
Watermelon	<i>Citrullus lanatus = (Citrullus vulgaris)</i>

Modified, 1 CMC § 3806(f), (g).

History: Adopted 11 Com. Reg. 6060 (Mar. 15, 1989); Emergency and Proposed 11 Com. Reg. 5841 (Jan. 15, 1989) (effective for 120 days from Dec. 14, 1988).