

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. 95-048-1]

#### Witchweed; Regulated Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the list of suppressive areas under the witchweed quarantine and regulations by adding and removing areas in North Carolina and South Carolina. These changes affect 11 counties in North Carolina and 4 counties in South Carolina. These actions are necessary in order to impose certain restrictions and to relieve unnecessary restrictions on the interstate movement of regulated articles to help prevent the spread of witchweed.

**DATES:** Interim rule effective July 31, 1995. Consideration will be given only to comments received on or before October 3, 1995.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 95-048-1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comments refer to Docket No. 95-048-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690-2817 to facilitate entry into the comment reading room.

**FOR FURTHER INFORMATION CONTACT:** Mr. Mario Rodriguez, Operations Officer,

Domestic and Emergency Operations, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236, (301) 734-8372.

#### SUPPLEMENTARY INFORMATION:

##### Background

Witchweed (*Striga* spp.), a parasitic plant that feeds off the roots of its host, causes degeneration of corn, sorghum, and other grassy crops. It is found in the United States only in parts of North Carolina and South Carolina.

The witchweed quarantine and regulations contained in 7 CFR 301.80 through 301.80-10 (referred to below as the regulations) quarantine the States of North Carolina and South Carolina and restrict the interstate movement of certain witchweed hosts in the quarantined States for the purpose of preventing the spread of witchweed.

Regulated areas for witchweed are designated as either suppressive areas or generally infested areas. Restrictions are imposed on the interstate movement of regulated articles from both types of areas in order to prevent the movement of witchweed into noninfested areas. However, the eradication of witchweed is undertaken as an objective only in areas designated as suppressive areas. Currently, there are no areas designated as generally infested areas.

##### Designation of Areas as Suppressive Areas

We are amending § 301.80-2a of the regulations, which lists generally infested and suppressive areas, by adding areas in Greene, Pender, Pitt, Sampson, and Wayne Counties, North Carolina, and areas in Dillon County, South Carolina to the list of suppressive areas.

The rule portion of this document lists the suppressive areas for each county. Nonfarm areas, if any, are listed first; farms are then listed alphabetically.

We are taking this action because surveys conducted by the United States Department of Agriculture (USDA) and State agencies of North Carolina and South Carolina have established that these areas meet one or more of the following conditions specified in § 301.80-2(a) of the regulations:

1. Witchweed has been found in these areas.
2. There is reason to believe that witchweed is present in these areas.

3. It is deemed necessary to regulate these areas because of their proximity to infestation.

4. These areas cannot be separated for quarantine enforcement purposes from infested localities.

Designation of these areas as regulated areas imposes controls on the movement of regulated articles from these areas and prevents the spread of witchweed to noninfested areas.

Copies of the surveys may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

##### Removal of Areas From List of Regulated Areas

We are also amending § 301.80-2a by removing areas in Cumberland, Duplin, Greene, Harnett, Pender, and Wayne Counties, North Carolina, and Berkeley, Dillon, and Horry Counties, South Carolina from the list of suppressive areas. As a result of this action, there are no longer any regulated areas in Harnett County, North Carolina, or in Berkeley County, South Carolina.

We are taking this action because we have determined that witchweed no longer occurs in these areas; therefore, there is no longer a basis for listing these areas as suppressive areas for the purpose of preventing the spread of witchweed. This action relieves unnecessary restrictions on the interstate movement of regulated articles from these areas.

##### Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to control the spread of witchweed to noninfested areas of the United States by adding specified areas to the list of suppressive areas in North Carolina and South Carolina. Also, where witchweed no longer occurs, immediate action is necessary to relieve unnecessary restrictions on the interstate movement of regulated articles.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make it effective upon signature. We will consider comments that are received within 60 days of publication