

EXHIBIT 8

**TO DECLARATION OF MARIE MARTIN
IN SUPPORT OF DEFENDANTS' OPPOSITION
TO PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**

Reference

Grains

Table 3-36 Grains locator¹

If:	And is:	Then:
Beans, peas, and lentils	→	SEE Table 3-131
Corn ²	Fodder, silage, or stover (stems and leaves) harvested in Canada	SEE Table 3-37
	Fodder, silage, or stover harvested in a country other than Canada	SEE Table 3-38
	Ears of corn, shucked or unshucked	SEE Table 3-39
	Corn products and by-products of grain milling (e.g., cornmeal, cracked corn, grits, oil, samp, and starch)	INSPECT and RELEASE ³
Grains (any type); unprocessed	→	SEE the <i>Seeds Not For Planting Manual</i>
Grain screenings and seed screenings	→	SEE Table 3-54
Millet and pseudo-millet	→	SEE Table 3-40
Rice (<i>Oryza</i> spp.) and its products	→	SEE Table 3-41
Rice by-products	→	SEE Table 3-47 and Table 3-48
Rice—milled products	→	SEE Table 3-46
Rice articles	Made of or fully manufactured and finished from rice straw	SEE Table 3-45
Rice straw or rice hulls	To be manufactured at APHIS-approved sites	SEE Table 3-43
	Imported for purposes other than manufacturing	SEE Table 3-44
Wheat (<i>Triticum</i> spp.), goatgrass (<i>Aegilops</i> spp.) and their products	→	SEE Table 3-49

- 1 For grasses (poaceae) see Table 3-57; for dried beans and peas see Table 3-151.
- 2 Corn and closely related plants are regulated to prevent the entry of several exotic down mildews, physoderma diseases and other harmful corn pathogens. The following genera identify the plants closely related to corn: *Chionache* spp.; *Coix* spp.; *Echinochloa* spp.; *Eleusine* spp.; *Miscanthus* spp.; *Panicum* spp.; *Pennisetum* spp.; *Polytocha* spp.; *Sclerachne* spp.; *Setaria* spp.; *Sorghum* spp. (if broomcorn, see specific entry under Table 3-22 on page 3-21); *Trilobachne* spp.; and *Trip-sacum* spp.
- 3 The authorities for this action is 7 CFR § 319.24 and 7 CFR § 319.41.

Table 3-135 Dried Citrus (fruit)¹

If:	And:	And:	Then:
Destined to Guam	_____ →	_____ →	INSPECT and RELEASE
Peeled fruit	Incapable of harboring fruit flies	_____ →	
	Capable of harboring fruit flies		REFER to FAVIR
Ground spice	_____ →	_____ →	INSPECT and RELEASE
Whole fruit with peel; or peel	The consignment is accompanied by a document showing the produce was heated to 140°F (60 °C) or above for 10 minutes or longer ² OR and it can be verified the product was thoroughly cooked or preservative was used (e.g., sugar [candies], salt [brine], or spices)	_____ →	
	Not as above ³	Whole fruit	REFER to FAVIR
	Peel only	GO to Table 3-111	

- 1 Citrus is regulated to prevent the entry of fruit flies, various citrus diseases, bacteriosis, and other citrus diseases.
- 2 Freeze drying citrus fruit with peel attached is **not** considered sufficiently processed, **unless** the heating requirement (time/temperature) is **also** met.
- 3 With peel, the inside remains white while the outside retains its natural color (yellow, orange, or green).

Table 3-136 Dried Corn (kernels only)¹

If:	Then:
Commercially freeze dried or dehydrated	INSPECT and RELEASE ²
Popcorn in microwaveable commercial packaging ³	

- 1 Corn and corn relatives: *Zea* spp.; *Coix* spp.; *Echinochloa* spp.; *Eleusine* spp.; *Panicum* spp.; *Pennisetum* spp.; *Setaria* spp.; *Sorghum* spp. (great millet).
- 2 **No** permits required if the kernel is milled such that the endosperm is exposed by crushing. **All** milled corn products are admissible **without** a permit. However, each shipment is subject to inspection and **must** be found to contain 28 **or fewer unhulled** seeds per quart of milled corn. Shipment found to contain **greater than** this level of contamination will be refused entry.
- 3 Individual packages (bags) **cannot** total **more than** 4 ounces of popcorn.

Table 3-137 Dried *Imperata cylindrica* (cogongrass)¹

If:	And:	Then:
Rhizomes fresh	_____ →	REFER to FAVIR
Rhizomes dehydrated ²	Seeds present	PROHIBIT ENTRY
	Seeds not present	INSPECT and RELEASE

- 1 Other names include imperata, imperatae, bai mao.
- 2 The inner texture is woody and dry and the rhizomes snap at the nodes when bent.

Reference

Processed Seeds

Table 3-151 Processed seeds locator

If seeds are:	Then:
Seeds (any type); unprocessed	SEE the <i>Seeds Not For Planting Manual</i>
Cucurbit	SEE Table 3-152
<ul style="list-style-type: none"> ◆ Chickpeas, safflower seeds, or soybeans ◆ Cotton, millet, pulpy seed, or sugarcane ◆ Corn or corn relatives (except millet), cumin, hemp, mango, <i>Prunus</i> spp., rice, or wheat and wheat relatives ◆ Faba beans or lentils that are merely split 	SEE Table 3-153

Cucurbit seeds are regulated when originating in khapra beetle-endemic countries because they are a host of this pest.

Table 3-152 Cucurbit seeds¹ (Cucurbitaceae) dried, roasted, and salted seeds

If the con- signment is:	And the origin is a:	Then:	Authority:
2 ounces or less	→	INSPECT and RELEASE	7 CFR § 330.105
More than 2 ounces	Khapra beetle-infested country listed at the following Web site: http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/kb.pdf	1. REQUIRE a permit and 2. REQUIRE one of the following treatments: A. T302-c-1 B. T302-c-2 or C. T302-c-3 and 3. REFER to PPQ for treatment	7 CFR § 319.75 as amended by Docket # APHIS-2013-0079 ²
	Country other than one listed in the above-mentioned Web site	INSPECT and RELEASE	7 CFR § 330.105

1 Cucurbit seeds include melon, cucumber, pumpkin, squash, watermelon, and gourd seeds.

2 See <http://www.gpo.gov/fdsys/pkg/FR-2014-12-29/pdf/2014-30264.pdf>.

Table 3-153 Seeds (OTHER THAN nuts) that are processed (seeds with hulls removed) or manufactured into articles (page 1 of 2)

If the seed is:	And is:	Then:
Chickpea ¹	From a khapra beetle-infested country listed at the following Web site: http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/kb.pdf	1. Is accompanied by either a phytosanitary certificate or a reexport certificate with an additional declaration stating, "The shipment was inspected and found free of khapra beetle (<i>Trogoderma granarium</i>)" then 2. INSPECT and RELEASE ²
Corn or corn relatives (except millet), cumin, hemp ³ , mango, <i>Prunus</i> spp., rice, or wheat and wheat relatives	So thoroughly processed that all pests and pathogens would have been destroyed (e.g., roasted)	INSPECT and RELEASE ⁴
	Not processed as above	SEE entry for specific commodity in <i>Seeds Not For Planting Manual</i>

Table 3-153 Seeds (OTHER THAN nuts) that are processed (seeds with hulls removed) or manufactured into articles (page 2 of 2)

If the seed is:	And is:	Then:
Cotton	→	1. REQUIRE T301-a-4 then 2. RELEASE consignment ⁵
Cucurbit ⁶	→	SEE Table 3-152
Faba beans or lentils that are merely split	→	SEE entry under faba beans or lentils in the Seeds Not For Planting Manual
Millet	→	SEE Table 3-40
Pulpy seed	Capable of harboring fruit flies	PROHIBIT ENTRY (it is also prohibited into Guam and Commonwealth of the Northern Mariana Islands (CNMI)) ⁷
	Incapable of the above	INSPECT and RELEASE ⁴
Safflower seeds ¹	From a khapra beetle-infested country listed at the following Web site: http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/kb.pdf	1. Is accompanied by either a phytosanitary certificate or a reexport certificate with an additional declaration stating, "The shipment was inspected and found free of khapra beetle (<i>Trogoderma granarium</i>)." 2. INSPECT and RELEASE ²
Soybean ¹		
Sugarcane	Moving into Guam or CNMI	INSPECT and RELEASE ⁴
	Moving into other than above	1. REQUIRE T514 and 2. RELEASE consignment ⁸
A seed other than one listed above	→	INSPECT and RELEASE ⁴

- 1 Roasted safflower, soybeans, or chickpeas are processed and do **not** require a phytosanitary certificate (PC) for commercial shipments and they are also admissible in passenger baggage and personal effects. However, if the safflower, soybeans, or chickpeas are split **without** further processing, a PC is required for commercial shipments and they are **prohibited** in passenger baggage and personal effects.
- 2 The authority for this action is 7 CFR § 319.75 as amended by Docket # APHIS-2013-0079 available at the following Web site: <http://www.gpo.gov/fdsys/pkg/FR-2014-12-29/pdf/2014-30264.pdf>.
- 3 Refer as a controlled substance. Although **not** specifically regulated by APHIS, seeds of this article **may be** controlled or banned by other government entities. Please reference [Table 3-1](#) for taking action.
- 4 The authority for this action is 7 CFR § 330.105.
- 5 The authority for this action is 7 CFR § 319.8.
- 6 E.g., melon, cucumber, pumpkin, squash, watermelon, and gourd.
- 7 The authority for this action is 7 CFR § 319.37.
- 8 The authorities for this action are 7 CFR § 319.24 and 7 CFR § 319.41.

plant or portions of a plant. leaves, twigs, or other portions of plants or plant litter or debris as distinguished from clean fruits, vegetables, herbs, or other commercial articles

polished rice. rice that has had the hulls removed, and most of the bran and starch cells rubbed off and screened out

polishing (of grains and beans). type of processing whereby grains are prepared by rubbing or a chemical action making the article smooth and shiny and removing the outer layers

pollards. coarse bran obtained from wheat; milling by-product comprised of flour and finely ground bran

post-harvest handling (of fruits and vegetables). type of processing whereby the article is prepared by either grading, sorting, washing or brushing, and/or waxing fruits and vegetables

PRA. pest risk assessment

preclearance. inspection and/or treatment of commodities by or under the supervision of PPQ in foreign countries and U.S. offshore locations in accordance with PPQ-approved phytosanitary requirements

precleared. articles inspected and/or treated under PPQ supervision/approval at origin and in compliance with PPQ regulations prior to U.S. arrival

preservation in liquid. type of processing whereby plant material is preserved in a suitable liquid medium (e.g., syrup, brine, oil, vinegar, or alcohol) of a particular pH, salinity, anaerobic or osmotic state

primary processing. any of the following processes: cleaning (removal of soil, limbs, and foliage), debarking, rough sawing (bucking or squaring), rough shaping, spraying with fungicide or insecticide sprays, and fumigation (NOTE: “rough sawn” has not been dried or planed; it is literally rough to the touch)

processed. plant or plant part prepared, treated, or converted by being subjected to some physical or chemical procedure beyond harvesting

processed seed. seed subjected to any degree of alteration beyond harvesting (e.g., cracked corn is considered processed)

propagative structure. any plant part capable of reproduction or growth by itself