Plant Protection and Quarantine, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. The telephone number for the agency contacts will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January. Telephone: (301) 436– 8295 (Hyattsville); (301) 734–8295 (Riverdale).

SUPPLEMENTARY INFORMATION:

Background

The Plant Quarantine Act (7 U.S.C. 151 et seq.) and the Federal Plant Pest Act (7 U.S.C. 150aa et seq.) authorize us to prohibit or restrict the importation into the United States of any plants, roots, bulbs, seeds, or other plant products in order to prevent the introduction into the United States of plant pests.

Regulations promulgated under this authority, among others, include 7 CFR 319.37 through 319.37–14, "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products" (the regulations). These regulations govern the importation of living plants, plant parts, and seeds for or capable of propagation, and related articles. Other sections of part 319 deal with articles such as cut flowers, or fruits and vegetables intended for consumption.

The regulations restrict or prohibit the importation of most nursery stock, plants, roots, bulbs, seeds, and other plant products. These articles are classified as either "prohibited articles" or "restricted articles."

A prohibited article is an article that the Deputy Administrator for Plant Protection and Quarantine (PPQ), Animal and Plant Health Inspection Service (APHIS), has determined cannot feasibly be inspected, treated, or handled to prevent it from introducing plant pests new to or not widely prevalent or distributed within and throughout the United States, if imported into the United States. Prohibited articles may not be imported into the United States, unless imported by the United States Department of Agriculture (USDA) for experimental or scientific purposes under specified safeguards.

A restricted article is an article that the Deputy Administrator for PPQ has determined can be inspected, treated, or handled to essentially eliminate the risk of its spreading plant pests if imported into the United States. Restricted articles may be imported into the United States if they are imported in compliance with restrictions that may include permit and phytosanitary certificate requirements, inspection, treatment, or postentry quarantine.

Section 319.37–8, "Growing Media," allows importation of certain restricted articles established in growing media (potted plants), if the plants were potted in an approved growing medium and were grown in a greenhouse in accordance with safeguard conditions specified in the regulations. Potted plants that currently may be imported under the regulations include Polypodiophyta (ferns), African violet, gloxinia, begonia, peperomia, and hyacinth.

Proposed Rule

On September 7, 1993, APHIS published in the **Federal Register** (58 FR 47074–47084, Docket No. 89–154–1) a proposal to amend § 319.37-8 to allow the importation of plants in growing media (potted plants) of the following additional genera: Alstroemeria, Ananas, Anthurium, Nidularium, and Rhododendron. We solicited comments concerning our proposal for 60 days ending December 6, 1993. During this comment period, we also received comments at a public hearing which was announced in the proposed rule and which was held in Washington, DC, on October 26, 1993.

We received 122 comments by the close of the comment period. They were from embassies of foreign governments, domestic grower and nursery associations, State plant protection agencies, environmental interest organizations, and foreign nurseries and greenhouses. The majority of these commenters opposed adoption of the proposal to allow the importation of five additional genera of plants in growing media. Several commenters suggested changes to pest risk assessment procedures, without specifically opposing adoption of the proposed pest risk evaluation standards for plants in growing media. No commenters opposed the proposal to approve several new growing media, although several commenters expressed the opinion that plant pests could grow in the already approved growing media. All of the comments are discussed below, under 'Comments and Responses.'

After carefully evaluating the comments on the proposed rule, APHIS has made the following decisions on the proposal:

1. We will adopt the proposed pest risk evaluation standards and the proposed requirements for specific inspection, handling, and growing conditions for all plants in growing media that are allowed to be imported under the regulations. We believe these standards and requirements clearly provide better pest protection than the requirements now contained in

§ 319.37–8. Therefore, we are revising the regulations to adopt the proposed standards and requirements, with several slight modifications made in response to comments. These modifications are discussed below, under "Comments and Responses."

2. In addition to the six kinds of plants in growing media previously allowed importation by the regulations (Polypodiophyta, African violets, gloxinia, begonia, peperomia, and hyacinth), we will allow the importation of the following genera of plants in growing media: Alstroemeria, Ananas, Anthurium, and Nidularium. We believe that these plants in growing media may be safely imported without significant risk of introducing into the United States any tree, plant or fruit disease, or any injurious insect, new to or not widely prevalent or distributed within and throughout the United States. Comments objecting to the importation of these genera in growing media did not provide sufficient evidence to convince us that importing these genera would present a significant risk of introducing and spreading dangerous plant pests.

We will defer action on the provisions of the proposed rule that apply to Rhododendron. Commenters identified specific issues under the Endangered Species Act regarding the proposed importation of *Rhododendron* in growing media. For instance, some commenters noted that an endangered Rhododendron species in the United States might be damaged by alien pests introduced or imported on Rhododendron. We have determined that in compliance with Section 7 of the Endangered Species Act (16 U.S.C. 1537), consultation is necessary between APHIS and the Fish and Wildlife Service before we take final action on our proposal to allow the importation of *Rhododendron* in growing media. This consultation is necessary due to the presence in the United States of species of Rhododendron that are listed, and are proposed for listing, as endangered or threatened under the Endangered Species Act.

After completion of the Endangered Species Act consultation, we will proceed with rulemaking to either finalize or withdraw the proposed changes concerning importation of *Rhododendron*.

Comments and Responses

The comments have been summarized and grouped below according to the comment topics. Our responses to each topic follow the summary.