importation into the United States by foreign governments. These are, of course, the genera the exporting countries especially desire to ship to the United States. It is APHIS policy to respond to such requests, regardless of their origin. We intend to consider all of the requested genera. However, as explained in the advance notice of proposed rulemaking published October 7, 1991 (56 FR 50523–50524, Docket No. 91–036), and in the proposed rule published September 7, 1993 (58 FR 47074–47084, Docket No. 89–154–1), we selected the five genera in the proposal for study first because they represent a diversity of horticultural and botanical types, and because they are among the first plants requested by foreign governments to be imported in growing media. These five genera were proposed for addition to the list of approved plants for importation in growing media because we found that they could be safely imported under specified safeguards without introducing exotic plant pests harmful to U.S. agriculture.

In developing the list of pests to be studied for the five genera, we listed all pests reported on these hosts, whether or not we were familiar with their potential risk at that time. The list was developed without knowing the potential risk of each and every organism. All pests on the list were subjected to the pest risk analysis to determine which pests had a potential to be high risk based on the pest risk assessment standards. The high risk pests were subjected to detailed study, as described in the proposed rule.

Concern About Foreign Growers Observing Conditions

Several commenters stated that the proposed growing restrictions will not be feasible for the foreign growers to observe, and they will, therefore, not observe them. These commenters also said that European growers cannot grow azaleas in the method prescribed by APHIS; instead, based on current practices, they would build a small greenhouse that meets the requirements for export plants, and then run tremendous numbers of plants through it illegally.

Response: If restrictions are not feasible for any particular foreign growers, those foreign growers will not be approved to ship plants in media to the United States.

Other commenters said that not all European growers will be careful in observing requirements, so some degree of unwanted pest contamination is inevitable for plants in growing media imported into the United States. *Response:* No human enterprise is without risk. However, we believe based on our research, and experience with similar potted plants, that the proposed four genera we are approving can be imported into the United States without significant risk, provided the required conditions are observed.

Regulations Should Include Consequences (Penalties) for Non-Compliance

Some commenters believed that the risk of crop devastation or imposed quarantine destruction is a burden placed on U.S. importers and ultimately on the American taxpayer. They suggested that the regulations should spell out consequences and penalties for all domestic and foreign parties who fail to comply with regulatory requirements.

Response: The consequences for noncompliance are elimination from the program for individual growers, shippers, or foreign countries. (See explanation under "Concern about Foreign Growers Observing Conditions" above.)

Several commenters stated that importers should be held financially responsible for the risks of importation.

Response: USDA has no authority to hold importers responsible for risks of importation; however, individual shipments will be refused entry unless the phytosanitary certificate required to accompany the shipment is endorsed by a Plant Protection and Quarantine inspector, as required by the regulation. This endorsement is based on monitoring inspections that show that the plants were grown under the requirements of the regulations. Also, if pests are found or other violations noted, individual shippers or greenhouse growers can be suspended from preclearance.

Two commenters suggested that the regulations should suspend a producer from preclearance if a violation is found until the situation is corrected, and suspend the producer for at least 1 year if subsequent violations are found.

Response: Because the required agreements allow cancellation by either party, APHIS has authority to suspend violators from preclearance. We intend to employ this cancellation authority in enforcement. We do not believe it is necessary to set specific time periods for the duration of a cancellation or suspension in order to use the tool effectively.

Limits on Methods To Control Pests Introduced Into the United States

Several commenters stated that the U.S. Environmental Protection Agency (EPA) limits on use of some pesticides in the United States would make it impossible to use the most effective chemical controls to combat pests that could be introduced with the regulated articles.

Response: If safeguards are observed, introductions of exotic pests with plants in media are extremely unlikely. No exotic pests have been detected in nearly 20 years of importations of plants in media from Europe and Israel. However, should new pests be introduced, their susceptibility to eradication or control will depend on the nature of the pest and the availability of control measures. It does not follow that because EPA action has resulted in loss of some chemical controls, that any new introduced pests could not be adequately controlled, chemically or otherwise.

Several commenters were concerned that pests introduced by the regulated articles will require more domestic usage of allowed pesticides, which could pose a health risk.

Response: We are concerned about possible health risks from the application of chemicals for quarantine purposes. However, we have no reason to believe that chemical controls applied in accordance with label requirements would present a health risk. The question of health risks from application of chemical pesticides is within the purview of the EPA and the Food and Drug Administration.

Several commenters stated that we are potentially defenseless against pests that may have begun to develop genetic resistance to the more powerful controls that may be legal in exporting countries.

Response: We would be glad to study evidence that pests in foreign countries have developed genetic resistance to pesticides not legal for use in the United States. However, if such resistance does occur, it does not mean that the pests would be resistant to pesticides that are legal for use in this country.

Growing Media Concerns

Several commenters stated that pests and diseases can grow in the growing media currently allowed for the regulated articles.

Response: We have no evidence that unused approved media is infested or infected with exotic plant pests. If prescribed safeguards are observed, such media used for approved plants will not become infested with exotic plant pests.

One commenter suggested that the definition of "media" should not be changed from "sterile" to "approved."

Response: There is no current definition of "media" as "sterile" in this regulation. We made no proposal to