We believe that the lack of quarantine significant introductions of any pests in association with the five taxa of plants currently allowed importation in growing media during the past 20 years is also evidence that pests are unlikely to be introduced in growing media imported under the proposed requirements.

If safeguards are observed, no exotic pests should be introduced with the plants. We expect that APHIS and the foreign plant protection organization will apply adequate controls to ensure consistent and correct application of the safeguards.

Examples of Infected or Infested Stock That Has Been Imported

One commenter reported he bought virus-infected geranium stock from the Canary Islands and Mexico. Another mentioned Fischer Geranium ISA voluntarily cancelling 80 million geranium cuttings from Mexico because of a possible virus disease that might infect other ornamentals. A commenter who imported plant cuttings from Israel said he had them inspected and released by APHIS but that a follow up inspection found Egyptian cotton moth, resulting in a \$250,000 loss.

A commenter stated he imported nursery stock from The Netherlands that turned out to be infested with the noxious weed "keek," which could not be eradicated. Another cited growers who have been shut down because of imported products infested with Egyptian cotton moth and white rust of chrysanthemums. Another cited an importation of *Alstroemeria* plants from The Netherlands that had tomato spot wilt virus and were being distributed by a Dutch-American propagator.

A commenter reports that mixed fern species arriving at Apopka were found with four different taxa of insects, and that undetermined species of both *Aphelenchoides* and *Helicotylenchus* were found in sterile peat imported from nurseries in The Netherlands.

Another commenter reports that rootstocks from The Netherlands have been found to be infested with *Meloidogyne* and *Pratylenchus* species. Another commenter notes that the State of Oregon has found serious plant pests or diseases in imported pre-inspected plant materials.

Response: While these comments document a general background risk that pests may be introduced into the United States, they do not provide evidence that the restrictions and safeguards discussed in the proposal for importing plants in media would fail to prevent introduction of pests. We continue to believe that the proposed restrictions and safeguards are effective, for the reasons discussed in the proposal.

Safeguard Concerns

Several commenters suggest that the frequency and timing of inspections should be critically examined because pests may build up in a short time. Plant auctions and resale transactions would have to be policed to ensure that the plants were grown under qualifying conditions. These commenters also believe that APHIS must take steps to assure effective pest exclusion programs at ports of entry, and guarantee development and maintenance of programs to exclude and/or control pests.

Several commenters suggested that APHIS should include provisions to limit numbers of plants imported. They felt limits on plant import numbers should relate to the known capacity of each exporting country to grow plants under approved conditions and should take account of the reasonably expected output for each growing facility.

Response: Allocating resources to enforce regulations is an important part of any regulatory program, and APHIS intends to devote the resources required to ensure that inspections, recordkeeping, port of arrival activities and other actions required under the regulations are maintained at the level required for successful implementation of this program.

Regarding enforcement and verification of compliance with the regulations, all growers of plants in media to be shipped to the United States must keep records of kinds and numbers and time of shipment for all plants brought into, and shipped from, the greenhouse. These records must be made available to inspectors of APHIS and of the plant protection service of the foreign country. These records will also help ensure that the number of plants imported under the regulations does not exceed the number that could reasonably be grown in approved facilities. If more plants are imported than we believe could reasonably be grown in approved facilities, we will investigate possible violations.

Unscheduled visits will be made to the approved greenhouses by inspectors of both APHIS and the plant protection services of the growing countries. In addition to monitoring the number of plants that can be shipped, the inspectors will enforce the very strict controls placed on the greenhouses, including automatic closing doors, screening, raised benches, etc.

One commenter suggested that the lack of a protocol for detecting

movement of plants from unapproved greenhouses through approved greenhouses and the lack of a quarantine period in the United States for imported material allow too great a risk of nondetection of pests.

Response: The record-keeping and inspection requirements for growers discussed above address the problem of movements from unapproved greenhouses through approved greenhouses. In response to the quarantine period comment, APHIS requires postentry quarantine only when other import requirements cannot ensure the material is free from dangerous plant pests. The pest risk associated with the genera in growing media in the proposal can usually be addressed by other means. APHIS will propose postentry quarantine as a requirement to admit any plant in growing media when such a requirement is necessary; for example, the proposal includes postentry quarantine for Ananas and Nidularium imported into Hawaii.

Adequacy of Requirements for Growing Conditions in the Country of Origin

Several commenters noted that pests may not be able to pass through the screens proposed for greenhouses, but other openings will let them in because greenhouses expand and contract and have small cracks and broken panes of glass.

Response: In addition to specifying a required screen mesh size, the proposed regulations also rely on a performance standard for pest exclusion, which inspectors will enforce. The regulations require that the articles must be grown in a greenhouse "in which sanitary procedures adequate to exclude plant pests and diseases are always employed" (§ 319.37–8(e)(2)(ii)).

One commenter questioned the proposed requirement that growing plants may be watered only with rainwater that has been boiled or pasteurized, with clean well water, or with potable water. Water fit for human consumption (potable water) may still contain plant pests or pathogens. *Response:* We believe that water that

Response: We believe that water that has been contaminated with organic material to the point that it harbors significant numbers of plant pests is also likely to harbor human disease pathogens that make it not potable. It therefore would not be allowed to be used by the regulations. Similarly, water that has been treated to render it potable has been exposed to chemicals or treatment conditions that will destroy human pathogens and plant pests alike.

One commenter asked: What is clean rainwater? Can it be collected as runoff