

## DEPARTMENT OF AGRICULTURE

## Animal and Plant Health Inspection Service

## 7 CFR Part 319

[Docket No. 94-116-3]

## Importation of Fresh Hass Avocado Fruit Grown in Michoacan, Mexico

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

**ACTION:** Proposed rule and notice of public hearings.

**SUMMARY:** We are proposing to amend the regulations governing the importation of fruits and vegetables to allow fresh Hass avocado fruit grown in approved orchards in approved municipalities in Michoacan, Mexico, to be imported into certain areas of the United States, subject to certain conditions. We are proposing this action in response to a request from the Mexican Government and following a review of public comments received regarding that request. The conditions to which the proposed importation of fresh Hass avocado fruit would be subject, including pest surveys and pest risk-reducing cultural practices, packinghouse procedures, inspection and shipping procedures, and restrictions on the time of year shipments may enter the United States, would reduce the risk of pest introduction to an insignificant level. Furthermore, climatic conditions in those areas of the United States into which the avocados would be allowed would preclude the establishment in the United States of any of the plant pests known to attack avocados in Michoacan, Mexico.

**DATES:** Consideration will be given only to comments received on or before October 16, 1995. We also will consider comments made at five public hearings to be held between August 17, 1995, and August 31, 1995. Hearings will be held in Washington, DC, on August 17 and 18, 1995, and in southern California on August 30 and 31, 1995. A notice detailing the specific dates of the remaining hearings will be published in a future issue of the **Federal Register**.

**ADDRESSES:** Please send an original and three copies of your comments to Docket No. 94-116-3, 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. 94-116-3. 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. The public hearings will be held in Washington, DC; southern Florida; New York, NY; Chicago, IL; and southern California. A notice detailing the specific location of each hearing will be published in a future issue of the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Victor Harabin, Head, Permit Unit, Port Operations, PPQ, APHIS, 4700 River Road Unit 136, Riverdale, MD 20737-1236, (301) 734-8645, or FAX (301) 734-5786.

**SUPPLEMENTARY INFORMATION:****Public Hearings**

Five public hearings will be held on this notice of proposed rulemaking. The Animal and Plant Health Inspection Service (APHIS) will hold one public hearing dedicated exclusively to the scientific basis for this proposed rule. The first hearing will be open to the public, but participation will be limited to experts in the fields of pest risk assessment and pest risk mitigation measures. Four additional hearings will be held to provide a full opportunity to all interested parties to address every aspect of the proposed rule.

*The First Public Hearing—Presentations by Experts in Risk Assessment*

The first public hearing, on the scientific basis for this proposed rule, is scheduled to be held in Washington, DC, on August 17 and 18, 1995. A notice will be published in a future issue of the **Federal Register** detailing the specific location of the Washington, DC, hearing. This hearing will focus exclusively on the APHIS pest risk assessment documents upon which the proposed rule is based, and will provide an opportunity for experts in relevant disciplines to present their views on those documents and the scientific issues raised by them.

The APHIS pest risk assessment documents upon which this proposal is based identify the plant pest risks associated with the importation of Hass avocados grown in approved orchards in approved municipalities in Michoacan, Mexico, discuss the mitigation measures identified as reasonable and necessary to prevent the introduction of plant pests into the United States, and contain a quantitative risk analysis examining the likelihood of plant pest introduction into the United States if Hass avocados

are allowed to be imported as proposed in this document.

Participation in the Washington, DC, hearing will be limited to those who register and who identify themselves as having expertise in the areas of pest risk assessment and mitigation measures. Experts wishing to participate will be asked to furnish for the record their educational background and their expertise and qualifications relevant to pest risk assessment and mitigation measures. Such experts include scientists, technical experts, and academicians expert in entomology, plant health, plant pathology, risk assessment, and risk mitigation. Federal, State, and local officials, growers, and handlers who have experience with risk assessment, plant protection, quarantine, or risk mitigation measures will also be welcome to participate in this first public hearing.

Presenters are welcome to register as a panel if they believe a panel of experts from several fields would foster a more complete discussion and evaluation of issues related to the pest risk assessment underlying this proposal.

*Additional Public Hearings*

Four additional hearings will be held during the period between August 21, 1995, and August 31, 1995, to address all aspects of this proposed rule. These four public hearings are scheduled to be held in southern Florida; New York, NY; Chicago, IL; and southern California. The California hearing is scheduled to be held on August 30 and 31, 1995; the exact dates of the other three hearings and the specific locations of all four hearings will be announced in a notice published in a future issue of the **Federal Register**.

Any interested party may appear and be heard in person, or through an attorney or other representative. We are interested in obtaining the views of the public on all aspects of this proposed rule, including the APHIS pest risk assessment documents and the conclusions contained therein.

*General Information Applicable to All Five Public Hearings*

The APHIS pest risk assessment documents upon which this proposal is based are available. Parties interested in receiving copies may obtain them by contacting APHIS' Legislative and Public Affairs Staff at (301) 734-3256 or by writing to Legislative and Public Affairs, 4700 River Road Unit 51, Riverdale, Maryland 20737-1232. Copies of the risk assessment documents will be available at each of the scheduled public hearings.