

Persons who wish to speak at the hearings will be asked to provide their names and their affiliations. Those who wish to form a panel to present their views will be asked to provide the name of each member of the panel and the organizations the panel members represent. Parties wishing to make oral presentations may register in advance by calling the Regulatory Analysis and Development voice mail at (301) 734-4346 and leaving a message stating their name, telephone number, organization, and location of the hearing at which they wish to speak. If a party is registering for a panel, the party will also be asked to provide the name of each member of the panel and the organization each panel member represents.

The hearings will begin at 9 a.m. and are scheduled to end at 5 p.m. each day. The Washington, DC, and California hearings may conclude at any time on the second day if all persons who have registered to participate have been heard. Similarly, the other three hearings may conclude earlier than 5 p.m. if all persons who have registered have been heard. The presiding officer may extend the time of any hearing or limit the time for each presentation so that everyone is accommodated and all interested persons appearing on the scheduled dates have an opportunity to participate.

Registration for each hearing may be accomplished in advance in accordance with the above-described instructions, or by registering with the presiding officer between 8:30 a.m. and 9 a.m. on any hearing day.

A representative of APHIS will preside at each public hearing. Written statements are encouraged, but not required. Any written statement submitted will be made part of the record of the public hearing. Anyone who reads a written statement should provide two copies to the presiding officer at the hearing. A transcript will be made of each public hearing and the transcript will be placed in the rulemaking record and will be available for public inspection.

The purpose of these public hearings is to give all interested parties an opportunity to present data, views, and information to the Department concerning this proposed rule. Questions about the content of the proposal may be part of a commenter's oral presentation. However, neither the presiding officer nor any other representative of the Department will respond to the comments at the hearing, except to clarify or explain the proposed rule and the documents upon which the proposal is based.

Background

The Fruits and Vegetables regulations contained in 7 CFR 319.56 through 319.56-8 (referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States to prevent the introduction and dissemination of injurious insects that are new to or not widely distributed within and throughout the United States. The regulations do not provide for the importation of fresh avocado fruits grown in Mexico into the United States, except to Alaska under the conditions specified in § 319.56-2bb.

On November 15, 1994, we published an advance notice of proposed rulemaking in the **Federal Register** (59 FR 59070-59071, Docket No. 94-116-1) announcing that APHIS had received a request from the Government of Mexico that we allow, under certain conditions, the importation of fresh Hass avocado fruit grown in approved orchards in approved municipalities in Michoacan, Mexico, into certain areas of the United States. The advance notice solicited public comment on the Mexican Government request and advised the public that two public meetings would be held to provide interested persons with an opportunity to present their views regarding the possible importation of fresh Hass avocado fruit grown in Mexico.

We solicited comments concerning the Mexican Government request for 28 days ending on December 13, 1994. During that period, we received over 100 comments (including those given at the hearings), several of which requested that we extend the comment period so that interested persons would have additional time to analyze the Mexican Government request before submitting comments. On December 19, 1994, we published a document in the **Federal Register** (59 FR 65280, Docket No. 94-116-2) informing the public that we had reopened the comment period and would continue to accept comments until January 3, 1995, including any comments received between December 13—the close of the original comment period—and December 19. By the close of the extended comment period, we had received over 300 comments.

Twenty of the comments favored allowing the importation of fresh Hass avocado fruit grown in Mexico; the remainder objected. We carefully considered all of the comments during the formulation of this proposed rule and have included proposed phytosanitary requirements that we believe address many of the concerns expressed in the comments. Other

issues raised in the comments that are not addressed by the proposed phytosanitary requirements are discussed below, following the explanation of our proposal.

Mexican Government Request

In July 1994, Sanidad Vegetal, the plant protection branch of the Mexican Ministry of Agriculture and Water Resources, requested that APHIS consider allowing the importation of fresh Hass avocado fruit grown in approved orchards in approved municipalities in Michoacan, Mexico, into Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. A detailed plan that accompanied the request contained specific phytosanitary guidelines for mitigating the risk of plant pest introduction associated with the importation of Mexican avocados into the United States. The risk mitigation plan was based, in part, on research conducted in 1993 by Sanidad Vegetal to determine the susceptibility of Hass avocados to fruit fly infestation; it was also based on historical avocado pest survey data for Michoacan and recent Sanidad Vegetal surveys of Michoacan for pests specific to avocados.

The insect pests of concern are three species of fruit flies (*Anastrepha ludens*, *A. serpentina*, and *A. striata*), four species of avocado weevils (*Conotrachelus perseae*, *C. aguacatae*, *Heilipus lauri*, and *Copturus aguacatae*), and one species of avocado seed moth (*Stenomoma catenifer*). These pests would present a significant pest risk to U.S. crops if introduced, particularly in the southeastern and southwestern United States.

Risk Management Analysis and Pest Risk Analysis Documents

This proposed rule is based in part on a document prepared by APHIS entitled "Risk Management Analysis: A Systems Approach for Mexican Avocado," which assesses the pest risks and risk management options associated with the proposed importation of fresh Hass avocado fruit grown in Michoacan, Mexico. Risk mitigation measures discussed in that document are included in this proposed rule as requirements for the proposed importation. APHIS has also prepared a quantitative pest risk analysis for the proposed importation of fresh Hass avocado fruit grown in Michoacan, Mexico, that examines the likelihood of pest introduction into susceptible areas