

of the United States. Copies of those documents may be obtained by contacting APHIS' Legislative and Public Affairs staff at (301) 734-3256 or by writing to Legislative and Public Affairs, Public Affairs, 4700 River Road Unit 51, Riverdale, MD 20737-1232.

Systems Approaches

Using systems approaches to phytosanitary security, APHIS establishes growing, packing, shipping, and other conditions whereby fruits and vegetables may be imported into the United States from countries that are not free of certain plant pests. APHIS has used systems approaches to establish conditions for the importation of several commodities, including Unshu oranges from Japan (7 CFR 319.28), tomatoes from Spain (7 CFR 319.56-2dd), and peppers from Israel (7 CFR 319.56-2u).

For the Unshu oranges mentioned above, APHIS used a systems approach to establish growing, treatment, packing, and inspection requirements designed to prevent the introduction of citrus canker, which exists in Japan and can infect Unshu oranges. The rule requires Japanese growers and agricultural agencies to survey groves for citrus canker, undertake measures to exclude citrus canker from groves of Unshu oranges intended for export, and apply surface sanitary treatments to Unshu oranges being exported to the United States. For the tomatoes and peppers mentioned above, APHIS used a systems approach to develop measures to prevent the introduction of Mediterranean fruit fly (Medfly), which exists in Spain and Israel and can infest tomatoes and peppers. These rules require Spanish and Israeli agricultural agencies and growers to periodically survey growing areas for Medfly, undertake measures to exclude Medfly from growing and packing areas, and pack tomatoes and peppers in flyproof packaging to prevent infestation. Each of these programs has performed successfully.

APHIS also uses systems approaches to establish growing, packing, shipping, and other conditions whereby domestic fruits and vegetables may be exported from areas in the United States that are not free of certain plant pests. Systems approaches are currently used to establish export conditions for certain citrus fruit from Florida and Texas, apples from Washington, and stonefruit from California. Each of these programs has performed successfully.

In developing this proposal to allow the importation of fresh Hass avocado fruit grown in Michoacan, Mexico, APHIS again has used a systems approach to phytosanitary security.

Using a systems approach, APHIS developed a series of complementary phytosanitary measures, including pest surveys and pest risk reducing cultural practices, packinghouse procedures, a limited shipping season, inspection and shipping procedures, and restrictions on distribution within the United States, all intended to prevent the introduction of avocado seed and stem weevils, an avocado seed moth, and three species of fruit flies that can infest avocados and other host fruits and vegetables.

Proposed Import Requirements for Hass Avocados Grown in Mexico

We are proposing to allow fresh Hass variety avocados to be imported into the United States from Michoacan, Mexico, if they are grown, packed, and shipped under specified phytosanitary conditions designed to mitigate the risk of plant pest introduction. The conditions for importation would be set out in a new section of the regulations, § 319.56-2ff. Some of our proposed requirements were originally suggested in the mitigation plan that accompanied the request submitted by the Mexican Government. Other proposed requirements go beyond those suggested in the plan and are based in part on comments we received in response to our November 1994 advance notice of proposed rulemaking, as we agree with many of the comments that some additional safeguards would be necessary to prevent the introduction of plant pests if Mexican avocados were imported into the United States.

Permit Required

Section 319.56-3 of the regulations requires that a person who wishes to import fruits or vegetables under the regulations must first apply for a permit from APHIS' Plant Protection and Quarantine Programs. Section 319.56-4 states that, upon receipt of an application and approval by an inspector, a permit will be issued that specifies the conditions of entry and the port of entry. Therefore, our proposed regulations would require that the avocados be imported under a permit issued in accordance with § 319.56-4.

Commercial Shipments

We would allow only commercial shipments of Hass avocados to be imported from Michoacan into the United States. Wild or "backyard" avocados generally grow under very different conditions than commercial produce. Avocados growing in the wild or in backyard gardens usually grow among different varieties of plants and produce, with little or no pest control and a lack of sanitary controls during

both growing and packing. Therefore, the importation of wild or backyard avocados would present a greater risk of pest introduction than would the importation of commercially produced avocados.

Seasonal Restrictions

We would allow Hass avocados to be imported into the United States from Michoacan only from November through February. The risk of *Anastrepha* fruit flies infesting avocados and subsequently being introduced into the United States through importation is virtually eliminated by restricting avocado importation to these months. *Anastrepha* fruit flies reduce mating and oviposition activities when temperatures drop below 70 °F. Generally, temperatures in the growing areas in Michoacan are below 70 °F between November and February. Furthermore, any risk that fruit flies and other pests of avocados could become established in the United States during these months would be greatly reduced because of low temperatures and subsequent lack of host material in the areas proposed for distribution.

Distribution Within the United States

Hass avocados imported from Michoacan could be distributed only in Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Wisconsin. We do not believe that any of the pests of concern could become established if introduced into these States, due to the cold climate and a lack of suitable host material during the months imports would be allowed. As noted below, we would require that the boxes in which the avocados are shipped be marked with the statement "Distribution limited to the following States: CT, DC, DE, IL, IN, KY, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and WI."

Trust Fund Agreement and APHIS Participation

APHIS would be directly involved with Sanidad Vegetal in the monitoring and supervision of avocado exports to the United States. APHIS would not be involved in a preclearance program for the fruit in Mexico; rather, APHIS would monitor orchard surveys, trapping, harvest, and packinghouse operations to ensure that our export requirements are met. The costs of APHIS' involvement during each shipping season would be covered by a trust fund agreement between APHIS