

and an industry association representing Mexican avocado growers, packers, and exporters. Under the agreement, the Mexican industry association would pay in advance all estimated costs that APHIS expected to incur through its involvement in the required trapping, survey, harvest, and packinghouse operations prescribed in proposed § 319.56–2ff(c). Those costs would include administrative expenses incurred in conducting the services and all salaries (including overtime and the Federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by the inspectors in performing those services. The agreement would require the Mexican industry association to deposit a certified or cashier's check with APHIS for the amount of the costs, as estimated by APHIS. If the deposit was not sufficient to meet all costs incurred by APHIS, the agreement would further require the Mexican industry association to deposit another certified or cashier's check with APHIS for the amount of the remaining costs, as determined by APHIS, before APHIS' services would be completed. After a final audit at the conclusion of each shipping season, any overpayment of funds would be returned to the Mexican industry association or held on account until needed.

Safeguards in Mexico

We are proposing to require that the avocados be grown in the Mexican State of Michoacan in an orchard located in a municipality that has been surveyed for certain pests and found to be free from those pests. A trapping program would also have to be in place in the municipality to detect the presence of certain fruit flies. We would require that Sanidad Vegetal submit an annual workplan to APHIS that detailed the activities Sanidad Vegetal would carry out to meet the surveying, trapping, and other phytosanitary requirements of the proposed regulations. Sanidad Vegetal would be required to supervise all of the trapping and pest surveys required of municipalities and orchards wishing to export Hass avocados to the United States. Although Hass avocado growers could pay for trapping and survey expenses, Sanidad Vegetal would be responsible for hiring, training, and supervision of all personnel involved in trapping and conducting the pest surveys. APHIS would be directly involved with Sanidad Vegetal in the monitoring and supervision of the trapping and surveying activities.

Municipality Requirements

A municipality would have to be listed as an approved municipality in the annual work plan provided to APHIS by Sanidad Vegetal and would have to be determined to be free from the seed weevils *Heilipus lauri*, *Conotrachelus perseae*, and *C. aguacatae*, and the seed moth *Stenoma catenifer* before Hass avocados could be exported to the United States from orchards in that municipality. Sanidad Vegetal would determine the pest status of municipalities by conducting annual surveys during the growing season that would have to be completed before harvest. We would require that Sanidad Vegetal survey at least 300 hectares in any municipality with orchards wishing to export to the United States. Portions of each registered orchard would have to be included in these surveys. Also, areas with backyard and wild fruit would have to be included. We have determined that surveying 300 hectares within a municipality results in a 95 percent confidence level that an infestation of one percent or greater within the municipality would be detected. As stated above, APHIS would monitor these pest surveys.

Also, APHIS would require Sanidad Vegetal to trap for Medfly at a rate of one trap per 1 to 4 square miles throughout each Michoacan municipality containing orchards growing avocados for export to the United States. Although Medfly outbreaks have occurred only in southern Mexico, we feel such trapping is necessary as a safeguard against the possible migration of the pest to Michoacan.

Sanidad Vegetal Avocado Export Program

Only growers, orchards, and packinghouses participating in the avocado export program administered by Sanidad Vegetal could export Hass avocados to the United States. The Sanidad Vegetal avocado export program has been in place for more than 7 years to monitor the export of avocados to several European countries, Japan, and elsewhere. Sanidad Vegetal requires participants to comply with inspection, packing, and shipping practices to ensure that seed weevils and other pests are not present in avocados exported from Mexico.

The Sanidad Vegetal avocado export program has been very successful in ensuring that only pest-free avocados are exported from Michoacan. For example, during the last 3 years, over 5 million kilograms of avocados were exported from Michoacan to Japan. Over

this same period, the Japanese Ministry of Agriculture, Forestry, and Fisheries, which extensively samples and cuts avocados imported from Mexico, recorded no interceptions of any of the pests of concern (*Anastrepha ludens*, *A. serpentina*, *A. striata*, *Conotrachelus perseae*, *C. aguacatae*, *Heilipus lauri*, *Copturus aguacatae*, *Stenoma catenifer*).

While our proposed regulations would place conditions on avocado growers, orchards, and packinghouses beyond those required by the Sanidad Vegetal program, we believe that requiring participation in the Sanidad Vegetal avocado export program would help minimize the risk that Hass avocados infested with weevils or other pests would be exported to the United States.

Orchard and Grower Requirements

The orchard and the grower would have to be registered with the Sanidad Vegetal avocado export program discussed above and would have to be listed as an approved orchard or an approved grower in the annual work plan provided to APHIS by Sanidad Vegetal.

We are proposing to require that Sanidad Vegetal conduct surveys, at least annually, for the avocado stem weevil *Copturus aguacatae* in each orchard wishing to export avocados to the United States and in all contiguous orchards and properties. These surveys would have to be conducted during the growing season and completed before harvest. Orchards would have to be free of this pest in order to be eligible to export avocados to the United States.

To monitor the fruit fly population within avocado production areas, APHIS would require Sanidad Vegetal to conduct trapping throughout the year for the three *Anastrepha* fruit fly species of concern at a rate of one trap per 10 hectares within certified avocado orchards. If one fruit fly were captured within an orchard, export could continue, but 10 traps would have to be deployed in the 50-hectare area immediately surrounding the find. If additional fruit flies were caught within 30 days within the 260-hectare area surrounding the first find, exports could continue only after malathion bait treatments of the orchards involved. The purpose of this pesticide treatment would be to lower fruit fly populations in avocado production areas, thus lessening the chances of infestation. APHIS uses similar procedures in citrus fruit production areas of Florida and Texas where *Anastrepha* fruit flies exist.

Growers would be required to undertake regular field sanitation