regulations in 7 CFR 352.29, so the inspectors at these ports are experienced in dealing with avocado shipments. We would also allow the avocados to enter at other ports located within that area of the United States bordered by the proposed transit corridor discussed below.

We also propose to establish boundaries restricting the corridor through which the avocados may transit the United States en route to the northeastern United States. Except as explained below for avocados entering the United States at Nogales, AZ, avocados moved by truck or rail car would be allowed to transit only that area of the United States bounded on the west by a line extending from El Paso, TX, to Denver, CO, and due north from Denver; and on the east and south by a line extending from Brownsville, TX, to Galveston, TX, to Kinder, LA, to Memphis, TN, to Knoxville, TN, following Interstate 40 to Raleigh, NC, and due east from Raleigh. All cities on these boundary lines would be included in this area. If the avocados are moved by air, the aircraft would not be allowed to land outside this area. Avocados that enter the United States at Nogales, AZ, would have to be moved to El Paso, TX, by the route specified on the permit, and would then have to remain within the shipping area described above. These proposed boundaries are similar to those currently in effect for Mexican avocados moved through the United States to destinations outside the United States (see 7 CFR 352.29(f)), but differ in two significant ways. First, because avocados imported under this proposed rule could be distributed only in the northeastern United States, the proposed western boundary would not provide for movement through the northwestern United States. Second, the southeastern boundary would be situated further to the south to give shippers access to the entire States of Kentucky, West Virginia, and Virginia, which are among the States in which the avocados could be distributed under this proposed rule; those States are not fully included in the transit corridor described in 7 CFR 352.29(f). These boundaries would provide protection to the western and southeastern regions of the United States, where avocados and other hosts of fruit flies and are grown, while allowing shippers to utilize the most direct interstate routes to the northeastern United States.

Further, we propose that when moving within these boundaries to the northeastern United States, avocados would have to be moved either by air or in a refrigerated truck or refrigerated rail car or in refrigerated containers on a truck or rail car. If the avocados are moved in refrigerated containers on a truck or rail car, an APHIS inspector would have to seal the containers with a serially numbered seal at the port of first arrival in the United States. If the avocados are moved in a refrigerated truck or a refrigerated rail car, an APHIS inspector would have to seal the truck or rail car with a serially numbered seal at the port of first arrival in the United States. If the avocados are transferred to another vehicle or container in the United States, an APHIS inspector would have to be present to supervise the transfer and would have to apply a new serially numbered seal. The avocados would have to be moved through the United States under Customs bond. These safeguards are the same as those currently in effect for avocados from Mexico that are moved through the United States to destinations outside the United States (see 7 CFR 352.29(e)). Because this proposed rule and the avocado transit regulations in 7 CFR 352.29 share a similar purpose (i.e., the avocados must move through areas of the United States considered to be low-risk areas for the establishment of tropical and subtropical fruit pests), we believe it is reasonable that the safeguards required by both regulations should be the same.

Inspection

The avocados would be subject to APHIS inspection at the port of first arrival, at any stops in the United States en route to the Northeast, and upon arrival at the terminal market to ensure they are being moved in compliance with APHIS regulations. At the port of first arrival, APHIS would sample and cut avocado fruit to detect infestation by fruit flies, avocado seed and stem weevils, the avocado seed moth, and other pests. The number of avocados that the inspectors would sample and cut in any given shipment would depend upon the size of the shipment. Inspectors also would ensure that a valid phytosanitary certificate was present, that the limited distribution statement appeared on all boxes, and that the shipment was consigned to a State allowed to receive Hass avocados from Michoacan.

Responses to Comments

As stated above, we received over 300 comments by the closing date of the comment period for the advance notice of proposed rulemaking. The comments were submitted by avocado growers, processors, packers, and importers; trade and grower associations; grocers; and State and local departments of agriculture. Twenty of the comments favored allowing the importation of Mexican avocados. The remainder raised objections, most of which are summarized, with our responses, below.

Most of the comments assert that research conducted in 1993 by the Sanidad Vegetal concerning Hass avocado susceptibility to *Anastrepha* fruit flies was inconclusive and did not demonstrate that Hass avocados are non-hosts to the fruit flies. The comments contend that before APHIS considers any proposal to import Hass avocados from Mexico, Sanidad Vegetal should (1) replicate and expand laboratory and field research regarding host status of Hass avocados under fully controlled conditions and (2) undertake a multi-site, multi-year trapping program to establish the population and seasonal abundance of *Anastrepha* fruit flies in Michoacan. Only after examining the results of such research, according to the comments, could APHIS and Sanidad Vegetal develop effective measures for preventing the introduction of *Anastrepha* fruit flies into the United States through the importation of Hass avocados.

We agree that the 1993 research was limited in scope and did not prove the Hass avocado to be a non-host for *Anastrepha* fruit flies. However, after considering the 1993 research and other available evidence, including interception data and past studies, we believe the Hass avocado to be a non-preferred host for *Anastrepha* fruit flies prior to harvest. Although we believe Hass avocados become better hosts for *Anastrepha* fruit flies shortly following harvest, we are confident that the phytosanitary requirements we would place on harvesting, packing, transport, and distribution, which are more extensive and redundant than those proposed by Sanidad Vegetal, would prevent infested Hass avocado fruit from being exported from Michoacan into the United States.

Several comments specifically questioned the laboratory testing conducted in 1993 by Sanidad Vegetal to determine the susceptibility of Hass avocados to *Anastrepha* fruit flies. The comments claim that induced infestation tests both in the laboratory and under controlled field conditions were conducted improperly (e.g., allegedly, laboratory climatic conditions were not controlled, sample sizes of fruit were too small, inappropriate cages were used in field testing), thus invalidating any results of those tests. Furthermore, these comments maintain that because *Anastrepha* fruit flies did infest Hass avocados during these tests, the host status of Hass avocados is confirmed.