

Dated: August 1, 1995.

Solly Thomas,

Executive Director, Federal Labor Relations Authority.

[FR Doc. 95-19214 Filed 8-3-95; 8:45 am]

BILLING CODE 6267-01-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 95-046-1]

Importation of Fruits and Vegetables; Phytosanitary Certificates

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Animal and Plant Health Inspection Service (APHIS) is soliciting public comment on a change we are considering making to the fruits and vegetables import regulations. We are considering requiring a phytosanitary certificate to accompany all shipments of imported produce, both commercial shipments and produce brought into the United States by individual travelers. We believe this change would substantially increase our ability to exclude dangerous plant pests associated with produce from the United States, but it would also require substantial changes in the practices of travelers and importers who bring produce into the United States.

DATES: Consideration will be given only to comments received on or before October 3, 1995.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 95-046-1, 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. 95-046-1. 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.

FOR FURTHER INFORMATION CONTACT: Ms. Jane Levy or Mr. Frank E. Cooper, Senior Operations Officers, Port Operations, PPQ, APHIS, Suite 4A03, 4700 River Road Unit 139, Riverdale, MD 20737-1236; (301) 734-8645.

SUPPLEMENTARY INFORMATION:

Background

The Plant Quarantine Act (7 U.S.C. 151 *et seq.*) and the Federal Plant Pest Act (7 U.S.C. 150aa *et seq.*) authorize the Animal and Plant Health Inspection Service (APHIS) to prohibit or restrict the importation into the United States of any plants, roots, bulbs, seeds, or other plant products, including fruits and vegetables, to prevent the introduction of plant pests into the United States. "Subpart—Fruits and Vegetables" (7 CFR 319.56 *et seq.*) contains restrictions on the importation into the United States of fruits, vegetables, and plants or portions of plants used as packing material in connection with shipments of fruits and vegetables.

A phytosanitary certificate is a document issued by a plant protection official of a national government that is issued to facilitate the international movement of a plant or plant product article. A phytosanitary certificate certifies that the article has been thoroughly inspected, is believed to be free from injurious plant diseases, injurious insect pests, and other plant pests, and is otherwise believed to be eligible for importation into the country of destination pursuant to the current phytosanitary laws and regulations of that country. A phytosanitary certificate may also contain additional declarations regarding the area of origin, conditions of growth, or treatment of the article, when such information is relevant to the eligibility of the article for importation. The form and use of phytosanitary certificates is governed by the International Plant Protection Convention.

Phytosanitary certificates are in wide use in international trade. APHIS issues thousands of phytosanitary certificates each year to facilitate export of United States agricultural products to countries that require phytosanitary certificates to accompany such products. We also require many agricultural products imported into the United States to be accompanied by phytosanitary certificates.

For example, phytosanitary certificates are required for restricted articles under 7 CFR 319.37 *et seq.*, "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products," and under 7 CFR 319.75 *et seq.*, "Subpart—Khapra Beetle."

Phytosanitary Certificate Requirement for All Imported Produce

We are considering requiring a phytosanitary certificate to accompany all shipments of imported produce, both commercial shipments and produce

brought into the United States by individual travelers.

Historically, we have not required a phytosanitary certificate for imports of fresh produce because, given the volume of produce entering the United States, we felt that we could provide adequate protection for U.S. agriculture by having well-trained United States Department of Agriculture (USDA) personnel inspect all imported produce. Port of entry inspection by our officers was, and continues to be, an important safeguard to which all imported produce is subject.

Today, from the standpoint of quarantine control, the picture of produce importations is changing dramatically. The number of foreign travelers continues to increase. The amount of produce they bring with them likewise continues to increase, and the pest risk inherent in such importations may well have increased. Commercial importations also continue to increase in quantity and variety of product.

At the same time, foreign Ministries of Agriculture are increasingly able to provide phytosanitary export inspection and certification. We believe that the availability and overall quality of these activities has improved, partly as a result of our International Services programs abroad.

Imported produce presents a relatively high risk of introducing exotic plant pests. Produce brought by travelers is particularly dangerous because:

- The origin of the produce is often difficult to determine.
- The produce is often grown in dooryards with little or no pest control.
- Travelers bring noncommercial varieties with unknown susceptibility to pests and diseases.
- The fruits are often ripe or overripe and therefore particularly susceptible to infestations.
- Historically, decisions to allow importation of produce were based on an evaluation of the pest risk associated with commercial production, not backyard production.

In addition to the above, we now face increasing restrictions on the number of personnel we can devote to inspecting produce imports. It appears that these restrictions will be of long duration if not permanent. We are finding it increasingly difficult to provide the level of quarantine security we feel is needed. To a significant extent, a phytosanitary certificate requirement is an effective augmentation to inspection.

The phytosanitary certificate requirement would provide a significant measure of protection against the introduction of exotic plant pests. This