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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 319 and 322 [Docket No. 89–117–4]

RIN 0579-AA37

Honeybees and Honeybee Semen From New Zealand

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the honeybee and honeybee semen regulations to allow honeybees and honeybee semen from New Zealand to transit the United States, subject to certain conditions. This action relieves certain restrictions on the movement of honeybees and honeybee semen from New Zealand through the United States without presenting a significant risk of introducing harmful diseases or parasites of honeybees into the United

EFFECTIVE DATE: March 3, 1995.

FOR FURTHER INFORMATION CONTACT:

Mr. James Fons, Operations Officer, Port Operations Staff, Plant Protection and Quarantine, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. The telephone number for the agency

telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during January or February. Telephone: (301) 436–8295 (Hyattsville); (301) 734–8295 (Pivordale)

(Riverdale).

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 322 (referred to below as the regulations) govern the importation into the United States of honeybees and honeybee semen. These regulations were

established pursuant to the Honeybee Act (7 U.S.C. 281 et seq.). The Honeybee Act was designed to prevent the movement into the United States of diseases and parasites harmful to honeybees, and to prevent their spread within the United States. In addition, the Honeybee Act was designed to prevent the movement into the United States of undesirable species or subspecies of honeybees, such as *Apis mellifera scutellata*, commonly known in the United States as the African honeybee.

In this regard, 7 U.S.C. 281 provides, in relevant part, that:

(a) IN GENERAL.—The Secretary of Agriculture is authorized to prohibit or restrict the importation or entry of honeybees and honeybee semen into or through the United States in order to prevent the introduction and spread of diseases and parasites harmful to honeybees, the introduction of genetically undesirable germ plasm of honeybees, or the introduction and spread of undesirable species or subspecies of honeybees and the semen of honeybees.

Under the regulations, honeybees may be imported into the United States from New Zealand only by the United States Department of Agriculture (USDA) and only for experimental or scientific purposes. Honeybee semen may be imported into the United States from New Zealand only under a permit issued by the USDA and in accordance with specific marking and shipping requirements.

Ôn February 6, 1990, we published in the Federal Register (55 FR 3968-3969, Docket No. 89-117) a proposal to amend the regulations by removing these restrictions on honeybees and honeybee semen imported into the United States from New Zealand. We believed that the proposal was warranted because it had been determined that New Zealand was free of diseases and parasites harmful to honeybees in the United States, and undesirable species or subspecies of honeybees. This determination was made based on USDA review of the scientific literature; an ongoing sampling program of New Zealand honeybees by the USDA; an ongoing exchange of information between New Zealand and the United States relating to bee diseases, bee parasites, and undesirable species and subspecies of honeybees; and a review by USDA of

the bee enforcement program in New Zealand. 1

However, we recognized that shipments of honeybees or honeybee semen from New Zealand could, during transit through countries from which honeybees and honeybee semen may not be imported into the United States, come in contact with foreign honeybees that may be diseased. We therefore proposed to allow honeybees and honeybee semen to be imported from New Zealand into the United States only if they were shipped to the United States nonstop and if they were accompanied by a certificate issued by the New Zealand Department of Agriculture certifying that the honeybees and honeybee semen were of New Zealand origin. We also proposed to amend § 322.2 to add a definition for "certificate of origin."

We solicited comments concerning the 1990 proposal for 15 days ending February 21, 1990. In response to a comment, we published a notice in the Federal Register on March 2, 1990 (55 FR 7499, Docket No. 90-025), that extended the comment period to April 2, 1990. We received 37 comments by that date. We did not at that time publish a final rule, but have since determined that we wish to proceed with rulemaking. On July 18, 1994, we published in the Federal Register (59 FR 36373-36374, Docket No. 89-117-3) a notice to reopen and extend the comment period on the proposal to August 17, 1994. We received an additional 20 comments by that date. The comments were from apiaries, queen breeders, beekeeper associations, State departments of agriculture, and agriculture departments of foreign governments. Of the total comments received, 11 were in favor of the proposed rule. The remaining comments raised objections or concerns, which are discussed below by topic.

Comments Resulting in a Change to the Rule

A number of commenters were concerned about a disorder called half moon syndrome (HMS) that has been reported in New Zealand honeybee colonies. Commenters said there are reports that HMS may have been

¹ Additional information may be obtained by writing to the person listed under FOR FURTHER INFORMATION CONTACT.