

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****7 CFR PART 51**

[Docket Number FV-93-301]

Florida Grapefruit, Florida Oranges and Tangelos, and Florida Tangerines; Grade Standards**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Proposed rule.

SUMMARY: This rule would revise the United States Standards for Grades of Florida Grapefruit, United States Standards for Grades of Florida Oranges and Tangelos, and, United States Standards for Grades of Florida Tangerines. The recommended revisions would: Redefine terms to more clearly reflect current cultural and marketing practices; add and revise the grades so as to make them uniform and consistent with each other and other recently revised U.S. grade standards; revise the existing tolerances and the application of tolerances from allowing specific numbers of defective fruit to percentages of defective fruit; revise the size sections to give industry greater flexibility in marketing and packaging new varieties of fruit; and, delete references to a visual aid which is no longer available. The Agricultural Marketing Service (AMS), in cooperation with industry, and other interested parties develops and improves standards of quality, condition, quantity, grade and packaging in order to facilitate commerce by providing buyers, sellers, and quality assurance personnel uniform language and criteria for describing various levels of quality and condition as valued in the marketplace.

DATES: Comments must be postmarked or courier dated on or before April 24, 1995.

ADDRESSES: Interested parties are invited to submit written comments concerning this proposal. Comments must be sent to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, Room 2056 South Building, Washington, DC 20090-6456. Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Frank O'Sullivan, at the above address or call (202) 720-2185.

SUPPLEMENTARY INFORMATION: The U.S. Department of Agriculture is issuing this proposed rule in conformance with Executive Order 12866.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 et. seq.), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule for the revision of U.S. Standards for Grades of Florida Grapefruit, U.S. Standards for Grades of Florida Oranges and Tangelos, and U.S. Standards for Grades of Florida Tangerines will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses. In addition, under the Agricultural Marketing Act of 1946, the use of these standards is voluntary.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of the rule.

Agencies periodically review existing regulations. An objective of the review is to ensure that the grade standards are serving their intended purpose, the language is clear, and the standards are consistent with AMS policy and authority.

The United States Standards for Grades of Florida Grapefruit, the United States Standards for Grades of Florida Oranges and Tangelos, and the United States Standards for Grades of Florida Tangerines were last revised in December 1980. The Florida Citrus Packers (FCP), which represents the majority of citrus growers and packers in Florida, have requested that the standards be revised in order to bring them into conformity with current cultural, harvesting and marketing practices. The FCP contends that due to new improved varieties, that changes to the current standards are necessary.

The main purpose of the proposal is set forth in order to bring the standards into conformity with current harvesting and marketing practices. In addition, the standards have been reviewed for need, clarity, and effectiveness as part of a periodic review. Accordingly, we propose to amend the regulations as discussed below.

Presently, in the U.S. Standards for Grades of Florida Grapefruit, U.S. Standards for Grades of Florida Oranges and Tangelos, and U.S. Standards for Grades of Florida Tangerines, the U.S. Fancy, U.S. No. 1, and U.S. No. 2 grades are required to be "free from" bruises, and the U.S. No. 3 grade is required to be "free from very serious damage." "Free from" being any amount of bruising would be scored against the U.S. Fancy, U.S. No. 1 and U.S. No. 2 grades. However, it would have to be "free from very serious damage" to be scored against the U.S. No. 3 grade. There currently is no definition of very serious damage by bruising in the standards, and this may create confusion in the marketplace. Therefore, it is proposed to delete "free from" bruises and add "free from injury," "free from damage," and, "free from serious damage" to the U.S. Fancy, U.S. No. 1 and U.S. No. 2 grades, respectively ("free from very serious damage" will remain as it is currently in the U.S. No. 3 grade). The terms will be defined in the "classification of defects" section. The definitions for injury, damage, and serious damage by bruising are the same due to the severity of the defect, thereby, bruising will be scored as serious damage when "segment walls are collapsed, or rag is ruptured and juice sacs are ruptured," and scored as very serious damage when "fruit is split open, peel is badly watersoaked, or rag is ruptured and juice sacs are ruptured causing a mushy condition affecting all segments more than 3/4 inch at bruised area or the equivalent of this amount, by volume, when affecting more than one area on the fruit."

Currently, in the U.S. Standards for Grades of Florida Grapefruit, and U.S. Standards for Grades of Florida Oranges and Tangelos, the U.S. Fancy, U.S. No. 1, U.S. No. 2, and U.S. No. 3 grades are required to be "free from cuts not healed." It is proposed to delete this requirement, and add the requirement "free from unhealed skin breaks" to the above grades. This will encompass all types of fresh skin breaks no matter what the cause, and will create uniformity among the three standards.

It is proposed to delete the "growth crack" requirements from the U.S. Fancy, U.S. No. 1, U.S. No. 2, and U.S. No. 3 grades of Florida Grapefruit, and Florida Oranges and Tangelos. Any unhealed growth crack would be treated as an "unhealed skin break," and any amount would be scored. Healed growth cracks would be considered as a "scar" and scored based on the scar definitions in the "classification of defects" section.