DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. APHIS–2013–0016]

RIN 0579–AD81

Importation of Fresh Blueberry Fruit From Morocco Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations concerning the importation of fruits and vegetables to allow the importation of fresh blueberry fruit from Morocco into the continental United States. As a condition of entry, the blueberries would have to be produced under a systems approach employing a combination of mitigation measures for two quarantine pests, Ceratitis capitata and Monilinia fructigena, and would have to be inspected prior to exportation from Morocco and found free of these pests. The blueberries would have to be imported in commercial consignments only and would have to be treated with one of two approved postharvest treatments to mitigate the risk of C. capitata. The blueberries would also have to be accompanied by a phytosanitary certificate with an additional declaration stating that the conditions for importation have been met. This action would allow the importation of blueberries from Morocco while continuing to protect against the introduction of plant pests into the United States.

DATES: We will consider all comments that we receive on or before March 3, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to http://www.regulations.gov/

The PRA identified two pests of quarantine significance present in Morocco that could be introduced into the United States through the importation of blueberries: Ceratitis capitata, the Mediterranean fruit fly, and Monilinia fructigena Honey ex Whetzel, a fungus.

According to our PRA, both pests are rated high risk. Pests with high pest risk potential generally require measures in addition to inspection at the port of entry to mitigate risk. To recommend specific measures to mitigate the risk posed by the pests identified in the PRA, we prepared a risk management document (RMD). Copies of the RMA and RMD may be obtained from the person listed under FOR FURTHER INFORMATION CONTACT or viewed on the Regulations.gov Web site (see ADDRESSES above for instructions for accessing Regulations.gov).

Based on the recommendations of the RMD, we are proposing to allow the importation of blueberries from Morocco into the continental United States only if they are produced in accordance with a systems approach. The systems approach we are proposing would require that blueberries be imported only under the conditions described below. These conditions would be added to the regulations in a new § 319.56–63.

Proposed paragraph (a) of § 319.56–63 would state that blueberries from Morocco may be imported in commercial consignments only. Produce grown commercially is less likely to be infested with plant pests than noncommercial shipments. Noncommercial shipments are more prone to infestations because the commodity is often ripe to overripe, could be of a variety with unknown susceptibility to pests, and is often grown with little or no pest control. Commercial consignments, as defined in § 319.56–2, are consignments that an inspector identifies as having been imported for sale and distribution. Such identification is based on a variety of indicators, including, but not limited to: Quantity of produce, type of packaging, identification of grower or packhouse on the packaging, and documents consigning the fruits or vegetables to a wholesaler or retailer.

Paragraph (b) would require blueberries to be grown at places of production that are registered with the...
NPPO of Morocco. Registering places of production would allow APHIS and the
NPPO of Morocco to trace back consignments of blueberries to the
orchard of origin if a pest or disease of concern is detected after harvest.

*M. fructigena* is the most common cause of fruit rot in the fruit orchards in
Europe and Asia, causing characteristic brown rot symptoms that can easily be
identified during visual inspections. Therefore, paragraph (c) would require
that, 30 days prior to harvest, blueberries be inspected in the field by
the NPPO of Morocco for signs of *M. fructigena* infestation. If the fungal
disease is detected, the NPPO of
Morocco would have to notify APHIS, at 
which point APHIS will prohibit the
importation of blueberries into the
continental United States from the place
of production for the remainder of the
season. The place of production may
resume shipments of blueberries to the
United States in the next growing
season if an investigation is conducted
and APHIS and the NPPO of Morocco
agree that appropriate remedial actions
have been taken.

*C. capitata* produce oviposition scars
in blueberries, but eggs are laid below
the skin of the fruit and larvae are
internal feeders; therefore, infested fruit
may be overlooked during inspection.
Thus, additional safeguards beyond
field and packinghouse inspections
would be necessary to prevent the pest
from being introduced into the United
States. The RMD discusses the use of
two treatments to reduce the risk of *C.
capitata* from blueberries from Morocco:
Fumigation with methyl bromide
according to treatment schedule T101–
i–1–1 or cold treatment according to
treatment schedule T107–a. Both are
approved APHIS treatments for *C.
capitata* in blueberries.

Accordingly, paragraph (d) would
require that each consignment of
blueberries be treated in accordance
with 7 CFR part 305 for *C. capitata* with
one of the two above-mentioned
treatment methods. Within part 305,
§ 305.2 provides that approved
treatment schedules are set out in the
Plant Protection and Quarantine
Treatment Manual, found online at
http://www.aphis.usda.gov/import-
export/plants/manuals/ports/
downloads/treatment.pdf. Treatments
would also be conducted in accordance
with the other requirements of part 305.

Paragraph (e) of § 319.56–63 would
require each consignment of blueberries imported from Morocco to the
continental United States to be
accompanied by a phytosanitary certificate issued by the NPPO of
Morocco with an additional declaration

stating that the requirements of
§ 319.56–63 have been met and the
consignment has been inspected and
found free of *M. fructigena*.

Under the general conditions for the
importation of fruits and vegetables in
§ 319.56–3, each consignment of
blueberries would be subject to further
inspection at the port of entry into the
United States.

**Executive Order 12866 and Regulatory Flexibility Act**

This proposed rule has been
determined to be not significant for the
purposes of Executive Order 12866 and,
therefore, has not been reviewed by the
Office of Management and Budget.

In accordance with the Regulatory
Flexibility Act, we have analyzed the
potential economic effects of this action
on small entities. The analysis is
summarized below. Copies of the full
analysis are available by contacting the
person listed under FOR FURTHER
INFORMATION CONTACT or on the
Regulations.gov Web site (see
ADRESSES above for instructions for
accessing Regulations.gov).

Morocco expects to export 360,000
pounds of fresh blueberries to the
continental United States annually. This
quantity is equivalent to about one-tenth
of 1 percent of U.S. fresh blueberry
supply, 2007–2011. Morocco is
expected to export fresh blueberries to
the continental United States in July
and August. The U.S. blueberry season
is from April to August. Even though
the two seasons overlap and most, if not
all, fresh blueberry producers in the
United States are small entities, the
relatively small quantity expected to
be imported from Morocco would not
significantly affect the U.S. market or
prices.

Under these circumstances, the
Administrator of the Animal and Plant
Health Inspection Service has
determined that this action would not
have a significant economic impact on
a substantial number of small entities.

**Executive Order 12988**

This proposed rule would allow fresh
blueberry fruit to be imported into the
continental United States from Morocco.
If this proposed rule is adopted, State
and local laws and regulations regarding
blueberries imported under this rule
would be preempted while the fruit is
in foreign commerce. Fresh fruits are
generally imported for immediate
distribution and sale to the consuming
public and would remain in foreign
commerce until sold to the ultimate
consumer. The question of when foreign
commerce ceases in other cases must be
addressed on a case-by-case basis. If this

proposed rule is adopted, no retroactive
effect will be given to this rule, and this
rule will not require administrative
proceedings before parties may file suit
in court challenging this rule.

**Paperwork Reduction Act**

In accordance with section 3507(d) of
the Paperwork Reduction Act of 1995
(44 U.S.C. 3501 et seq.), the information
collection or recordkeeping
requirements included in this proposed
rule have been submitted for approval to
the Office of Management and Budget
(OMB). Please send written comments
to the Office of Information and
Regulatory Affairs, OMB, Attention:
Desk Officer for APHIS, Washington, DC
20503. Please state that your comments
are best assured of
having its full effect if OMB receives it
within 30 days of publication of this
proposed rule.

This proposed rule would amend the
fruits and vegetables regulations to
allow the importation of fresh blueberry
fruit from Morocco into the continental
United States. As a condition of entry,
the blueberries would have to be
produced under a systems approach
employing a combination of mitigation
measures for two quarantine pests and
would have to be inspected prior to
exportation from Morocco and found
free of these pests. The blueberries
would have to be imported in
commercial consignments only and
would have to be treated with one of
two approved postharvest treatments to
mitigate the risk of *C. capitata*. The
blueberries would also have to be
accompanied by a phytosanitary
certificate with an additional
declaration stating that the conditions for
importation have been met.

Implementing this rulemaking would
require production site registration and
the completion of phytosanitary
certificates.

We are soliciting comments from the
public (as well as affected agencies)
concerning our proposed information
collection and recordkeeping
requirements. These comments will
help us:

(1) Evaluate whether the proposed
information collection is necessary for
the proper performance of our agency’s
functions, including whether the
information will have practical utility;
(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;
(3) Enhance the quality, utility, and clarity of the information to be collected; and
(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average .55 hours per response.


Estimated annual number of respondents: 8.

Estimated annual number of responses: 20.

Estimated total annual burden: 11 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS’ Information Collection Coordinator, at (301) 851–2908.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the EGovernment Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mrs. Celeste Sickles, APHIS’ Information Collection Coordinator, at (301) 851–2908.

Lists of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we are proposing to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 319 and 340

RIN 0579–AD75

Restructuring of Regulations on the Importation of Plants for Planting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We are reopening the comment period for our proposed rule that would restructure the regulations governing the importation of plants for planting. We are requesting comments on our proposed framework for integrated pest risk management measures for plants for planting. We are especially interested in: The differences commenters perceive between International Standard for Phytosanitary Measures No. 36 and the North American Plant Protection Organization’s Regional Standard for Phytosanitary Measures No. 24, and reasons to prefer one over the other as a basis for such measures; and how to address the risk posed when plant brokers purchase and move plants for planting after they leave their place of production and before they are exported to the United States. This action will allow interested persons additional time to prepare and submit comments on these topics.

DATES: The comment period for the proposed rule published April 25, 2013 (78 FR 24634) is reopened. We will consider all comments that we receive on or before January 30, 2014.

ADDRESSES: You may submit comments by either of the following methods:
• Postal Mail/Commercial Delivery: Send your comment to Docket No. APHIS–2008–0011, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at http://www.regulations.gov/#!docketDetail;D=APHIS-2008-0011 or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC.


2. Section 319.56–63 is added to read as follows:

§ 319.56–63 Fresh blueberries from Morocco.

Fresh fruit of highbush blueberry (Vaccinium corymbosum L.) and its hybrid varieties southern highbush blueberry [V. corymbosum x angustifolium (V. x atlanticum) and V. corymbosum x virgatum] may be imported into the continental United States from Morocco only under the conditions described in this section. These conditions are designed to prevent the introduction of the following quarantine pests: Ceratitis capitata, the Mediterranean fruit fly, and the fungus Monilinia fructigena Honey ex Whetzel.

(a) The blueberries may be imported in commercial consignments only.

(b) The blueberries must be grown at places of production that are registered with the national plant protection organization (NPPO) of Morocco.

(c) During the growing season, blueberries must be inspected in the field signs of M. fructigena infestation 30 days prior to harvest. If the fungal disease is detected, the NPPO of Morocco must notify APHIS. APHIS will prohibit the importation of blueberries from Morocco and the fungus Monilinia fructigena into the continental United States from the place of production for the remainder of the growing season. The exportation of blueberries from the rejected place of production may resume in the next growing season if an investigation is conducted and APHIS and the NPPO of Morocco agree that appropriate remedial actions have been taken.

(d) Each consignment of blueberries must be treated in accordance with 7 CFR part 305 for C. capitata.

(e) Each consignment of blueberries must be accompanied by a phytosanitary certificate issued by the NPPO of Morocco with an additional declaration stating that the conditions of this section have been met, and that the consignment has been inspected prior to export from Morocco and found free of M. fructigena.

Done in Washington, DC, this 20th day of December 2013.

Kevin Shea,
Administrator, Animal and Plant Health Inspection Service.

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