

are adopting the proposed rule as a final rule, with the changes discussed in this document.

#### Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the **Federal Register**.

Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. The shipping season for mangoes from Mexico, Central America, Puerto Rico, the U.S. Virgin Islands, and the West Indies is in progress. Making

this rule effective immediately will allow interested producers and others in the marketing chain to benefit during this year's shipping season. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

#### Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process under Executive Order 12866.

We are amending the PPQ Treatment Manual, which is incorporated by reference at 7 CFR 300.1, to provide for the treatment of rounded-variety mangoes from Mexico, Central America, Puerto Rico, the U.S. Virgin Islands, and the West Indies weighing between 701 and 900 grams. Prior to this rule, the approved hot water dip treatment for mangoes from Mexico, Central America, Puerto Rico, the U.S. Virgin Islands, and the West Indies was limited to mangoes weighing 700 grams or less.

According to FAO, U.S. production of mangoes is supplemented with mango imports in order to satisfy the domestic demand, and that demand appears to be increasing:

#### PRODUCTION, IMPORT, AND EXPORT DATA FOR MANGOES FROM THE UNITED STATES, MEXICO, CENTRAL AMERICA, AND WEST INDIES<sup>1</sup>

[In metric tons]

Country and activity	1997	1998	1999	2000
U.S. production (includes Puerto Rico and Guam) .....	20,145	20,145	20,145	20,145
U.S. exports (includes Puerto Rico and U.S. Virgin Islands) .....	0	0	0	0
U.S. imports (includes Puerto Rico and U.S. Virgin Islands) .....	186,520	197,393	219,144	235,080
Mexico production .....	1,500,317	1,473,852	1,508,468	1,559,351
Mexico exports .....	187,127	209,426	204,002	206,782
Central America production .....	1,712,251	1,686,828	1,728,457	1,787,151
Central America exports .....	204,177	225,406	220,595	228,653
West Indies production .....	434,151	449,444	445,397	470,747
West Indies exports .....	12,451	8,523	10,828	12,029

<sup>1</sup> Includes Antigua and Barbuda, Cayman Islands, Dominica, Dominican Republic, Grenada, Guadeloupe, Haiti, Jamaica, Martinique, Montserrat, Saint Lucia, and Saint Vincent/Grenadines.

Although FAO production data for mangoes were not available for the U.S. Virgin Islands and the Northern Mariana Islands, data were reported in the 1998 Census of Agriculture. In 1998, the U.S. Virgin Islands harvested 61,621 pounds (approximately 28 metric tons), and the Northern Mariana Islands harvested 3,940 pounds (approximately 1.79 metric tons). FAO data were not available for imports and exports of mangoes into and from Guam or the Northern Mariana Islands.

U.S. mango imports are far greater than domestic production. U.S. production of mangoes has primarily been in Puerto Rico and southern Florida, with lesser quantities grown in California, Guam, Hawaii, the Northern Mariana Islands, and the U.S. Virgin Islands. According to the 1997 Census of Agriculture, there were 218 mango farms in Florida, 171 in Hawaii, and 2 in California. According to the 1998 Census of Agriculture, there were 255 mango farms in Puerto Rico, 163 in the U.S. Virgin Islands, 36 in Guam, and 14 in the Northern Mariana Islands.

The Regulatory Flexibility Act requires that agencies consider the economic effects of their rules on small

entities. Whether affected entities may be considered small in this case depends on their annual gross receipts. Annual receipts of \$750,000 or less is the small entity criterion set by the Small Business Administration for establishments primarily engaged in "other noncitrus fruit farming" (North American Industry Classification System code 111339). It is likely that most, if not all, mango producers in the United States are small entities. However, because the U.S. production of mangoes is supplemented with imports in order to satisfy the demand, we do not expect this rule will have a significant economic effect on domestic producers, large or small.

Mango producers in Puerto Rico and Florida contribute to the bulk of the mango production in the United States and are the entities more likely to be affected by this rule. Mangoes grown in Puerto Rico are shipped to the contiguous United States, exported, or sold locally. By providing for the treatment of larger mangoes produced in Puerto Rico, this rule may increase opportunities for producers there to ship additional fruit to mainland U.S. markets, but we are unable to predict

the number of producers affected, or the extent to which those producers will be affected, by this rule.

According to information provided by the University of Florida's Institute of Food and Agricultural Sciences (IFAS), about 10 to 15 growers manage the bulk of the producing mango acreage in Florida. According to IFAS, about 25 percent of Florida growers produce mangoes alone, while the remaining 75 percent are diversified operations growing other tropical fruits in addition to mangoes. Florida growers occupy niche markets in the State by providing green fruit for processing into chutney and other products and by providing fresh, untreated, tree-ripened fruit for consumption. The availability of larger mangoes from Mexico and Central America in the larger U.S. market is expected to have little to no impact on Florida producers who occupy those niche markets, as producers in Mexico and Central America are not expected to be shipping green fruit for processing and would be unable to provide untreated, tree-ripened fruit to U.S. markets.

The availability of a treatment for larger mangoes of the rounded varieties