

**ADDRESSES:** You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 02-049-1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 02-049-1. If you use e-mail, address your comment to [regulations@aphis.usda.gov](mailto:regulations@aphis.usda.gov). Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and "Docket No. 02-049-1" on the subject line.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Dr. Inder P. Gadh, Import Specialist, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1231; (301) 734-6799.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 7 CFR 319.56 through 319.56-8 (referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests that are new to or not widely distributed within the United States.

Currently, the regulations do not allow the importation of fragrant pears from China. However, the national plant protection organization of China has requested that the Animal and Plant Health Inspection Service (APHIS) allow fragrant pears from the Korla region of Xinjiang Province in China to be imported into the United States.

Under section 412(a) of the Plant Protection Act, the Secretary of Agriculture may prohibit or restrict the importation and entry of any plant product if the Secretary determines that

the prohibition or restriction is necessary to prevent the introduction into the United States or the dissemination within the United States of a plant pest or noxious weed.

The Secretary has determined that it is not necessary to prohibit the importation of fragrant pears from the Korla region of Xinjiang Province in China in order to prevent the introduction into the United States or the dissemination within the United States of a plant pest or noxious weed. This determination is based on the finding that the application of the remedial measures contained in this proposed rule will provide the protection necessary to prevent the introduction and dissemination of plant pests into the United States. The factors considered in arriving at this determination include the conclusions of a pest risk assessment,<sup>1</sup> program analysis, and site visits.

The pest risk assessment and supporting documents identified 13 pests of quarantine significance present in China that could be introduced in the United States via fragrant pears. However, the climatic conditions and production practices in the Korla region of Xinjiang Province do not favor the establishment of any of these pests. The production area is west of the Gobi Desert and just north of the Taklamakan Desert. The area experiences extremely hot summers, cold winters, and very little rainfall.

Furthermore, the production area is geographically as well as culturally isolated. Although agricultural commodities are exported from the region, there is little, if any, incoming trade. As a result, the potential for pests of quarantine significance being introduced into the area is extremely low. In the unlikely event a pest was introduced, climatic conditions and production practices would significantly reduce the likelihood of establishment.

Therefore, we are proposing to allow fragrant pears to be imported from the Korla region of Xinjiang Province in China under certain conditions. The provisions for the importation of fragrant pears from China would be set out in a new section, § 319.56-2kk.

We would require that the fragrant pears be grown in the Korla region of Xinjiang Province in a production site that is registered with the national plant protection organization of China. All propagative material introduced into a registered production site would have to

be certified free of specified quarantine pests by the national plant protection organization of China.

The fragrant pears would be subject to both pre-harvest and post-harvest inspections. Each year, within 30 days prior to harvest, the national plant protection organization of China or officials authorized by the national plant protection organization of China would have to inspect the registered production site for signs of pest infestation and would have to allow APHIS to monitor the inspections. The national plant protection organization of China would have to provide APHIS with information on pest detections and pest detection practices, and APHIS would have to approve the pest detection practices. The national plant protection organization of China would be responsible for immediately notifying APHIS of any quarantine pests found during inspection of the registered production site or at any other time.

Upon detection of Oriental fruit fly (*Bactrocera dorsalis*) during the pre-harvest inspection or at any other time, APHIS could prohibit the importation into the United States of fragrant pears from China until an investigation is conducted and APHIS and the national plant protection organization of China agree that appropriate remedial action has been taken.

APHIS could prohibit the importation into the United States of fragrant pears from a production site for the season if any of the following pests are detected on that production site during the pre-harvest inspection or at any other time: Peach fruit borer (*Carposina sasaki*), yellow peach moth (*Conogethes punctiferalis*), apple fruit moth (*Cydia inopinata*), Hawthorn spider mite (*Tetranychus viennensis*), red plum maggot (*Cydia funebrana*), brown rot (*Munilinia fructigena*), Asian pear scab (*Venturia nashicola*), pear trellis rust (*Gymnosporangium fuscum*), and Asian pear black spot (*Alternaria* spp.). The exportation to the United States of fragrant pears from the production site could resume in the next growing season if an investigation is conducted and APHIS and the national plant protection organization of China agree that appropriate remedial action has been taken. Furthermore, if any of these pests is detected in more than one registered production site, APHIS could prohibit the importation into the United States of fragrant pears from China until an investigation is conducted and APHIS and the national plant protection organization of China agree that appropriate remedial action has been taken.

<sup>1</sup> The pest risk assessment and supporting documents may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.