

mesh or plastic tarpaulins that would then be placed inside a shipping container. We also proposed that, if the peppers were shipped through an area that was not a fruit-fly free area, the Israeli national plant protection organization would have to secure the shipping containers with a numbered seal, which would be required to remain intact until arrival in the United States.

One commenter objected to the proposed requirement that shipping containers remain sealed and intact until peppers from Israel arrive in the United States. The commenter relayed that the shipping containers transit Europe, where the shipping containers are opened to rearrange the boxes during transport to the United States. Thus the proposed seal on shipping containers transiting fruit-fly areas would not remain intact during transit from Israel to the United States.

The purpose of the packaging safeguards is to ensure that peppers shipped from Israel to the United States are protected from pests during all phases of their movement from the approved screenhouses. Our proposed requirements that the peppers be packed in either individual insect-proof cartons or in non-insect-proof cartons that are covered by insect-proof mesh or plastic tarpaulins that must arrive intact in the United States will remain unchanged. We are, however, removing the requirement that the shipping containers be sealed. Because the shipping containers are opened and the insect-proof cartons of peppers within the shipping container are transferred to another shipping container, we agree that the proposed requirements that shipping containers remain sealed at all times during the movement of peppers to the United States and that the seal be intact upon the arrival of the peppers in the United States are not feasible. Further, we believe that the certification on the phytosanitary certificate that the requirements of the regulations have been met, coupled with the requirement that the insect-proof packaging remain intact until the arrival of the peppers in the United States, will be adequate in protecting shipments of peppers from Israel from the infestation by pests during transport.

Yellow Pitaya From Colombia

We proposed to amend § 319.56-2x to allow the importation of yellow pitaya from Colombia. We specified that yellow pitaya would have to undergo vapor heat treatment for the Medfly and the South American fruit fly, *Anastrepha fraterculus*, in accordance with the Plant Protection and Quarantine (PPQ) Treatment Manual,

which is incorporated by reference in 7 CFR 300.1.

We received four comments opposing the importation of yellow pitaya from Colombia into the United States. The commenters stated that the pest risk assessment is inadequate because it does not thoroughly evaluate pests of concern. Commenters indicated that the pest risk assessment should consider pests of the stem and root in addition to pests of the fruit because portions of the stem and root would accompany the fruit during shipment. Specific pests of concern provided in the comments are *Fusarium* and *Droxlara* spp. One commenter was concerned that the pest risk assessment overlooked a biotype of *Fusarium oxysporum* that is in Colombia but not present in the United States and that could affect U.S.-grown pitaya fruit as well as other cactus species.

We did not consider pests of the stem and root in the pest risk assessment because stem and root portions will not accompany the yellow pitaya fruit during shipment from Colombia to the United States. In Colombia, commercially produced fruit of yellow pitaya are harvested and shipped without attached stem or root portions. We conducted a thorough search of worldwide literature and did not find mention of "*Droxlara* spp." or any published reports of a biotype of *F. oxysporum* that is present in Colombia but not present in the United States. As indicated in the pest risk assessment, *F. oxysporum* is a pathogen of yellow pitaya in Colombia, but because it is also present in the United States and not under official control, it is not considered a quarantine pest.

Commenters noted the drastic decline in surface area planted to pitaya in Colombia between 1990 and 1996 reported in the document "Vapor heat treatment for pitaya fruit infested with eggs and larvae of Mediterranean fruit fly." Colombia reported 1,016.95 ha of pitaya in 1990, and in 1996, there was only 255.4 ha. They stated that Dr. Yosef Mizrahi of Israel reported that a strain of *Fusarium oxysporum* as well as another fruit fungus (which commenters stated might be *Droxlara* spp.) were responsible for this loss of production area. They also stated that Dr. Mizrahi has advised all U.S. researchers and producers of pitaya to not import any plant material of pitaya from Colombia to the United States for fear of transmitting these diseases.

We disagree that the decline in yellow pitaya was attributed to *Fusarium oxysporum* or another fruit fungus. The decline in acreage planted to yellow pitaya in Colombia from 1990–1996 is

directly related to the cessation of shipments of commercial yellow pitaya fruit from Colombia to Japan. In 1989, Medfly was found to be associated with Colombian yellow pitaya fruit and exports to Japan were halted.³ In the late 1990s, Japan and Colombia cooperated in the development of a successful vapor heat treatment for fruit flies in yellow pitaya. In 2000, Colombia resumed shipment of yellow pitaya fruit to Japan and successfully shipped 14.2 tons of vapor-heat-treated fruit to Japan between February and April 2000.

One commenter pointed out that, according to the pest risk assessment, action may be taken and further risk assessment may be conducted for certain pests if those pests are found in shipments of yellow pitaya. The commenter stated that APHIS must take the appropriate steps prior to allowing the importation rather than after the shipment arrives in the United States. Another concern was that some of the pests that were not further analyzed in the pest risk assessment were eliminated from consideration for reasons other than research evidence.

Shipments are subject to inspection at the port of entry and will be denied entry if pests of concern are intercepted. We do investigate pest problems associated with commodities in their countries of origin during our pest risk assessments. Our current method of performing pest risk assessments is to do an exhaustive search of literature and review our historical plant pest database and interception information. When available, we also use information from other sources, and occasionally conduct onsite investigations in proposed export areas. The pest risk assessments are science-based and largely dependent upon literature on plant pest problems in countries of origin. This literature is primarily investigative findings published by scientists. Our experience has shown that if a pest causes damage to an economic crop, the scientific community investigates the pest's biology and extent of pest damage in prescribing remedial actions.

Another concern raised by commenters was that APHIS' approval for the importation of yellow pitaya from Colombia would be based on the mitigation provided by a vapor heat treatment for Medfly, but that the pest risk assessment does not address the protection mechanisms against the other pests. In addition, some commenters stated that the pest risk assessment is

³ ACCI. 2002. Cooperation con Japan: Pitahaya de Exportacion. Reportajes Agencia Colombiana de Cooperacion Internacional (ACCI). Nota publicada en el boletín No. 7-Julio de 2000.