



**United States
Department of
Agriculture**



**Animal and
Plant Health
Inspection
Service**

Proposed Rule for Importation of Grapefruit, Lemons, and Oranges from Argentina

**Environmental Assessment,
November 1998**

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Agency Contact:

Ronald Campbell
Import Specialist
Plant Protection and Quarantine
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 140
Riverdale, MD 20737-1236
Telephone: 301-734-6799

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I. Need for the Proposed Action

A. Introduction

The Fruits and Vegetables phytosanitary regulations contained in 7 Code of Federal Regulations (CFR) Part 319 prohibit or regulate the importation of fruits and vegetables into the United States. These regulations are designed to prevent the introduction and dissemination of fruit flies and other injurious plant pests and diseases that are new or not widely distributed in the country. Currently, the regulations do not provide for importation into the United States of grapefruits, lemons, and oranges grown in Argentina. Official requests were made to the U.S. Department of Agriculture in accordance with Sanitary and Phytosanitary (SPS) agreements to allow import of fresh grapefruits, lemons, and oranges from four states in Argentina considered to be free from citrus canker (*Xanthomonas axonopodis* pv. *citri* (Hasse)). In addition, it has been determined that the regulations for importation of these fruits into the United States need to provide additional exclusionary techniques against fruit flies and other pests. In particular, the Animal and Plant Health Inspection Service (APHIS) is planning to require post harvest treatments for two other citrus diseases and cold treatments for fruit flies.

In response to the official requests from the country of Argentina to allow importation of these citrus fruits to the United States in accordance with SPS agreements, APHIS reviewed the issues related to each request and published a proposal to amend the phytosanitary regulations by allowing import of fresh grapefruit, lemons, and oranges from Argentina into the United States under conditions specified in the Federal Register on August 12, 1998 (63 FR 43117-43125). This notice solicited public comments on the proposal for a 60 day period ending October 13, 1998. An extension of 120 days to the length of the comment period through February 11, 1999 was granted in response to requests of interested persons and was published in the Federal Register on October 16, 1998 (63 FR 55559).

Further review and consideration of the issues of concern to interested parties resulted in APHIS consideration of the need to prepare an environmental assessment (EA) of the impacts of these new phytosanitary regulations. Notwithstanding the agency decision to categorically exclude future amendments in this regulatory series (7 CFR Part 319) in a previous EA (USDA, APHIS, 1995), the potential for indirect environmental impacts associated with this action

calls for an exception to the categorical exclusion and the preparation of an EA would be justified. The issue of potential environmental risks of a citrus canker outbreak or a Medfly (an introduced pest of citrus) infestation resulting from imported citrus is of great concern to APHIS and this issue has been exacerbated by the occurrence of substantial infestations of both Medfly and citrus canker in Florida in 1997 and 1998. The potential for indirect impacts from approval of the proposed rule provides the justification to prepare an environmental assessment.

B. Need

This environmental assessment analyzes potential environmental consequences of a proposal to amend the regulations governing importation of fruits and vegetables into the United States (7 CFR Part 319). The amendment would, for the first time, allow the importation of grapefruits, lemons, and oranges grown at approved locations in Argentina under certain conditions (7 CFR 319.28(a), 7 CFR 319.56-2F). In addition, it would place additional regulatory requirements on the importation of these fruits from Argentina to guard against injurious disease and plant pest introductions to the United States.

Imports into the United States of fresh grapefruits, lemons, and oranges resulting from this amendment are expected to occur primarily during the low production period in the United States (May to October). The proposed imports would largely compete with existing imports rather than domestic production. This proposed rule would provide U.S. consumers with additional sources of citrus during the summer and fall months when there is low domestic production. In compliance with SPS agreements between the United States and other countries, APHIS is required to review applications for import of foreign agricultural commodities at the request of the country of origin. APHIS reviewed the requests to import grapefruits, lemons, and oranges into the United States and has proposed a rule to allow importation under specific conditions. This EA analyzes the potential environmental impacts resulting from approval of this rule and from no change in the current regulations.

II. Alternatives

The proposed rule has been developed over an extended period of time to allow an opportunity for the public to provide comment on the potential effects of changes in regulations. This EA considers two possible alternatives—the current regulation of citrus (no action) and regulation under the proposed rule.

A. Proposed Rule

This alternative is defined by enactment of the proposed rule and will result in enforcement of the phytosanitary regulation of citrus from Argentina as proposed in the amendments to the phytosanitary regulations. This rule would allow importation of fresh grapefruit, lemons, and oranges by commercial growers in Argentina to the United States under specific conditions of entry. All shipments of citrus would be required to have an approved permit from APHIS and have a phytosanitary certificate indicating that the citrus fruits were produced and handled in accordance with the origin requirement, grove requirements, and post-harvest handling requirements. All grapefruit, lemons, and oranges offered for entry must be shown to originate from a region in Argentina that has been determined to be free from citrus canker. The national plant protection organization of Argentina, Servicio Nacional de Sanidad y Calidad Agroalimentaria (SENASA), has demonstrated in accordance with the standards established by the United Nations' Food and Agriculture Organization for pest-free areas that the citrus-growing areas of four states (Catamarca, Jujuy, Salta, and Tucuman) are free from citrus canker. Groves in these states that intend to export to the United States would be required to register with the Citrus Fruit Export Program of SENASA. SENASA would be responsible for monitoring compliance with the grove treatments, buffer zones, and other phytosanitary measures in the citrus groves that are requirements for export to the United States. SENASA would also be responsible for monitoring the post-harvest handling of fruit including inspections for visible signs of disease and required chemical treatments. In addition, All shipments of grapefruit, lemons (except smooth-skinned lemons), and oranges offered for entry from Argentina would be required to have an authorized cold treatment listed in the APHIS Plant Protection and Quarantine (PPQ) Treatment Manual to prevent introduction of fruit flies known to exist in Argentina to the United States. USDA's Agricultural Research Service has determined that smooth-skinned lemons are not a host of Mediterranean fruit fly (*Ceratitidis capitata* Weidemann) or other fruit flies of quarantine concern to APHIS. All shipments would be subject to inspection upon arrival in the United States and disinfection when determined necessary by inspection. Detection of quarantine disease on fruit during the course of any inspection or test would result in removal of the grove of origin from the SENASA citrus export program for the duration of the growing season and prohibition of entry of fruit from groves determined to be infested with any quarantine disease. Non-commercial shipments of citrus would continue to be denied entry to the United States. The proposed conditions of entry are designed solely to protect the United States from quarantine pests and diseases. The intended outcome is complete exclusion of those pests and diseases of concern.

B. No Action

The no action alternative is defined as continuation of the current phytosanitary regulation of citrus from Argentina. This alternative would continue to deny the entry of both commercial and non-commercial shipments of fresh grapefruit, lemons, and oranges from Argentina. The lack of new conditions for entry of commercial shipments of citrus fruits from Argentina maintains overall pest risk at present levels. The total exclusion of citrus fruits from Argentina under the no action alternative maintains overall pest risk at lower levels than under the proposed rule alternative. This would be expected to maintain the availability of fresh grapefruit, lemons, and oranges at present levels rather than accommodate increased imports from Argentina. This course of action may not, however, comply satisfactorily with the international trade regulations regarding justification of consistent phytosanitary requirements for comparable quarantine pest risks. The issues of potential environmental impacts associated with the pest risks of each alternative are discussed in the chapter on environmental effects.

III. Environmental Effects

The environmental impacts that may result from implementation of the proposed action and/or its alternatives are considered in this section. The principal environmental concern over this proposed program relates to the adequacy of the proposed rule to control and prevent the spread of harmful plant pests. The ability of APHIS to exclude pest infestations that pose adverse environmental impacts depends upon the accurate assessment of pest risk associated with the imported articles, the adequacy of the conditions of entry to eliminate pest risk, the effectiveness of detection measures during inspection of cargo, and the efficacy of treatment measures. This assessment will consider the differences in how APHIS can control and exclude pest infestations under the current procedures (No Action) and under the Proposed Rule.

A. Proposed Rule

Adoption of the proposed rule allows importation of fresh grapefruit, lemons, and oranges from commercial growers in Argentina into the United States under specific conditions of entry. The direct environmental effects of this rule consist of the negligible impacts from the transport of citrus from the country of Argentina. The small quantities of exhaust from this transport and the bulk movement of these fruits do not pose any environmental risks of concern as is.

There are, however, major indirect impacts that could result from the potential importation of several injurious plant pests and diseases associated with citrus grown in Argentina. Although SENASA has clearly demonstrated that the citrus-growing areas of the four regulated states are free from citrus canker, potential infestation of these states through the transport of citrus canker in commodities from infested states to the canker-free states could pose considerable pest risk. Citrus canker is one of the most damaging diseases of citrus and recent eradication programs in Florida have been costly. The importance of good monitoring for citrus canker is crucial. In addition, two other citrus diseases of quarantine concern occur in Argentina. These are sweet orange scab (*Elsinöe australis* Bitancourt & Jenkins) and black spot of citrus (*Guignardia citricarpa* Kiely). The movement of infested nursery stock poses the greatest pest risk, but fruit from infested trees is of considerable concern. Other than disease concerns for citrus from Argentina, there are several destructive insect pests of quarantine concern. In particular, outbreaks of the Mediterranean fruit fly or Medfly, which can attack over 400 different crops, have required considerable expense to counter the potentially harmful effects on agriculture and the environment. In addition, other destructive fruit flies associated with citrus crops in Argentina include the South American fruit fly (*Anastrepha fraterculus* (Wiedemann)), the West Indian fruit fly (*Anastrepha obliqua* (Macquart)), and the serpentine fruit fly (*Anastrepha serpentina* (Wiedemann)). There are also several other pests associated with citrus that are less likely to be introduced. The presence of these injurious pests on citrus or in areas where citrus crops are grown in these countries does not indicate the potential of these pests to be transported on harvested fruit or to be introduced at sites in the United States. The potential for risk of pest transport and introduction depends primarily upon the conditions for entry of the citrus fruit. Acceptable conditions of entry were determined by APHIS program officials through analysis of a completed pest risk assessment (USDA, APHIS, 1997).

Under the proposed rule, non-commercial shipments of citrus from Argentina would continue to be denied entry to the United States. The primary route of infestation of exotic fruit flies to the mainland United States has been associated with non-commercial produce. The continuing denial of entry for non-commercial produce under the proposed rule ensures that the risks of environmental impacts are minimized and maintains risks for non-commercial produce that do not differ from the current regulations.

The proposed phytosanitary regulations for citrus from Argentina relate primarily to the exclusion of three diseases and four fruit fly species. Potential environmental consequences and pest risks for commercial imports relate

primarily to the pest risk to host plants from insect pests and diseases. Outbreaks from new pest infestations could pose risks to humans and the physical environment if conditions required any control applications using pesticides. The damage to citrus groves and other sensitive trees from diseases could substantially increase if citrus canker, sweet orange scab, and black spot of citrus were not excluded. The environmental risks to the health of trees in an area would depend upon the part of the country, presence of susceptible hosts, and the ability of safeguards to preclude potential risks of pest introduction.

All imported citrus cited for regulation in this rule would be subject to certain requirements under Section 319.56-6. The shipments of citrus would all be subject to inspection, disinfection, or both, as may be required as a condition of entry at the port of first arrival, to allow a U.S. Department of Agriculture inspector to detect and eliminate any plant pests. Any infested shipment may be refused entry if the inspector determines that the infestation and pest risk cannot be completely eliminated by disinfection or treatment. Thorough inspection and elimination of pest risk prevents potential adverse environmental impacts from undesirable introductions.

The systems approach taken to regulating citrus from Argentina involves grove requirements, post-harvest requirements, and safeguarding of potential host materials. The chemical treatments to the groves pose minimal impact when proper safety precautions are taken by the applicators. These treatments are not expected to affect any endangered or threatened species of wildlife or their habitats. The post-harvest treatments of fruit serve primarily to disinfect the citrus from disease organisms and no persistent residues remain. The cold treatments of fruit pose no risks to human health, nontarget organisms, or the physical environment. The phytosanitary measures required in the groves and the inspection efforts are very labor intensive, but these efforts pose low environmental and pest risk when all the phytosanitary rules are followed.

Although the pest risks and potential environmental risks are low for importation of citrus from given locations, there remains a slight risk that the phytosanitary regulations, treatments, and inspections will not detect all infested commodities and prevent the introduction of pests. The recent increases in world trade place pressure on human resources at APHIS to maintain high phytosanitary standards. The exclusion methods are expected to prevent pest outbreaks from occurring most of the time, but adherence to required inspections and phytosanitary regulations does not ensure that all introductions will be prevented. Despite the low risk of introduction of pests from citrus subject to phytosanitary regulations, the environmental impacts from failure to exclude those pest species can be

considerable. Fruit fly eradication programs' adverse effects on humans, non-target species, and the physical environment are much less than if no action were taken to eradicate, but the impacts of eradication are much greater than those from a thorough exclusion program. Adequate data are not available to accurately assess the relative risks of pest introduction from infested cargo that are smuggled, but APHIS does consider this issue as part of the decisionmaking. The relative risks of pest introduction from cargo that are subject to phytosanitary regulations were analyzed in a pest risk assessment (USDA, APHIS, 1997). This document addressed the primary pest risk issues related to importation of commercial shipments.

Although the failure to prevent entry of infested host commodities has probably remained fairly constant on a *per inspection* basis or *per shipment* basis, the cumulative impact of greater trade has resulted in more frequent introductions of quarantine-significant species. It could be argued that passenger travel and mail pose greater risk of pest introduction, but this does not negate the increases in cumulative risk from regulated commercial commodities, which increase commensurate with increases in regulated cargo. This continuing increase in potential pest risk through the growth in trade and travel is acknowledged to pose an ongoing challenge to APHIS. This challenge can be addressed only qualitatively, with the understanding that exclusion of quarantine-significant pests will depend heavily on the stringency of phytosanitary regulations. The amount of increased pest risk and increased environmental risk from the anticipated cumulative increases in movement of regulated cargo is unclear, but the risks from overall increases in trade and travel are clearly an issue of concern. The lack of applicable monitoring data makes a quantitative analysis of cumulative impacts difficult, at best¹. The application of consistent and justifiable phytosanitary regulations does maintain some control over these risks and can exclude most pest outbreaks of concern. The risks from commodities subject to phytosanitary regulations are higher than from those commodities denied entry, but these risks are not substantially elevated and these risks are much less than the risks posed for commodities that are illegally smuggled in through trade, travel, and mail.

¹ Cumulative impacts are more appropriately considered in the context of a broader examination of the issues involved, such as the ongoing fruit fly control programmatic environmental impact statement process, for which we will attempt to gather and analyze pertinent data.

B. No Action

This alternative would continue to prohibit import of fresh grapefruit, lemons, and oranges from Argentina under the current regulations. Entry of both commercial and non-commercial shipments of citrus from Argentina would be denied. The lack of new conditions for entry of commercial shipments of citrus from Argentina maintains pest risk at the present levels. This level of pest risk associated with total exclusion of citrus from Argentina is very low and actually less than potential pest risk under the proposed rule alternative. As with the proposed rule, the primary potential adverse environmental consequences are to host plants from the insect pests and diseases, but outbreaks from new pest infestations could pose risks to humans and the physical environment if conditions required any control applications using pesticides. The greatest risk of introduction of this type of pest outbreak occurs from the illegal movement of citrus, which can occur whether the proposed rule is enacted or the current regulations remain as is. Other than illegal smuggling of citrus from Argentina into the United States, the risk of introduction of injurious plant pests and diseases is very slight with the no action alternative. The exclusion of these plant pests and diseases precludes the potential for adverse effects to humans, nontarget species, and the physical environment.

IV. Conclusions

This environmental assessment analyzes the alternatives of (1) approval of the proposed rule, and (2) no action. Each of these alternatives was determined to have potential environmental consequences. Approval of the proposed rule is not expected to result in any significant change in the environmental impacts of APHIS' exclusion and control efforts. The proposed rule does increase risk to the extent that there will be greater import of produce from areas that are infested with certain citrus diseases and fruit fly species of quarantine concern, but this increased risk is offset by the required regulatory treatments, inspection requirements, phytosanitary measures, and regulatory actions required to safeguard against movement of infested citrus to the United States.

Approval of the proposed rule will not significantly impact the quality of the human environment. The environmental consequences to human health, nontarget species, and environmental quality are not substantially different from those under the present regulations. The impacts from this regulatory change are indirect and depend primarily upon the ability of APHIS in cooperation with SENASA to exclude plant pests. The actions to facilitate importation of citrus from Argentina do not pose any disproportionate burden on any minority population or low-income population and are entirely consistent with the principles of "environmental

justice,” as expressed in Executive Order 12898. The lack of significant impact from the approval of the proposed rule negates the need to prepare an environmental impact statement.

V. References Cited

USDA, APHIS—See U.S. Department of Agriculture, Animal and Plant Health Inspection Service.

U.S. Department of Agriculture, Animal and Plant Health Inspection Service, 1995. Proposed rule for the importation of fruits and vegetables. May 1995. Riverdale, MD.

U.S. Department of Agriculture, Animal and Plant Health Inspection Service, 1997. Importation of fresh fruit (sweet orange, *Citrus sinensis*, lemon, *C. limon*, and grapefruit, *C. paradisi*) from Argentina into the Continental United States. May 1995. Riverdale, MD.

U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine. Treatment manual. Riverdale, MD.

VI. Listing of Agencies, Organizations, and Individuals Consulted

Import Services
Plant Protection and Quarantine
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 140
Riverdale, MD 20737-1236

Environmental Analysis and Documentation
Policy and Program Development
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 149
Riverdale, MD 20737-1238

**Finding of No Significant Impact
for
Proposed Rule for Importation of Grapefruit, Lemons, and Oranges from Argentina
Environmental Assessment,
November 1998**

The U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), has prepared an environmental assessment (EA) that analyzes potential environmental consequences of a proposal to amend the regulations governing the importation of fruits and vegetables. This is a proposed rule to allow fresh grapefruit, lemons, and oranges grown at approved locations in Argentina to be imported into certain areas of the United States subject to certain conditions. The EA, incorporated by reference in this document, is available from—

U.S. Department of Agriculture
Animal and Plant Health Inspection Service
Plant Protection and Quarantine
Import Services
4700 River Road, Unit 140
Riverdale, MD 20737-1236

The EA analyzed two alternatives—approval of the proposed rule and no action. The no action is defined as continuation of the current program for phytosanitary regulation of foreign agricultural commodities. Each of the alternatives has some potential environmental impacts, including no action, for which the primary environmental impacts would be those attributable to indirect pest risks. APHIS chose the approval of the proposed rule because of its capacity to regulate importation of agricultural commodities, its application of consistent regulations for comparable pest risks, its fulfillment of obligations under the SPS agreements, and its ability to exclude injurious plant pests from the United States.

I find that implementation of the proposed rule as a component of phytosanitary certification of fruits and vegetables for import of citrus fruits will not significantly impact the quality of the human environment. APHIS anticipates no adverse impacts to threatened or endangered species or their habitats from this regulatory action. I find that the environmental process undertaken for this program is entirely consistent with the principles of “environmental justice,” as expressed in Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.”

Lastly, because I have not found evidence of significant environmental impact associated with the proposed changes in the phytosanitary regulations, I further find that an environmental impact statement does not need to be prepared and that the proposed rule for importation of grapefruit, lemons, and oranges from Argentina may be enforced as a part of the phytosanitary regulations.

/S/
Alfred S. Elder
Deputy Administrator
Plant Protection and Quarantine
Animal and Plant Health Inspection Service

12/8/98
Date