

# Questions and Answers on the Quarantine 56 Revision

## Q. What are Quarantine 56 regulations?

A. The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has the authority to promulgate regulations to prohibit or restrict the importation of fruits and vegetables from other parts of the world to prevent the spread of plant pests and diseases into the United States. Under this authority, APHIS developed regulations that are contained in Title 7 of the Code of Federal Regulations, beginning at section 319.56. This set of regulations is commonly referred to as Quarantine 56, or Q56.

## Q. Why does APHIS want to revise Q56?

A. APHIS is proposing to update these regulations to eliminate outdated requirements and redundancies and improve their overall clarity. In fact, most of the changes in the proposed revision of Q56 are just intended to make them easier to understand. In addition, APHIS is proposing to make some substantive changes that would establish criteria to allow for faster, more efficient approval of certain fruits and vegetables for importation. Specifically, the revisions would eliminate the need for proposed and final rules in order to approve the importation of fruits and vegetables whose risk can be mitigated by one or more of four designated phytosanitary measures. All other fruits and vegetables will still be required to undergo the full rulemaking process.

## Q. If not by rulemaking, how will these imports be approved?

A. Imports that are eligible would be approved through a notice-based process. A pest-risk analysis would be conducted for new fruits or vegetables, just as in the rulemaking-based process. However, if the risk analysis shows that the commodity's risk can be sufficiently mitigated by one or more of four designated phytosanitary measures, a notice announcing the availability of the pest-risk analysis will be published in the *Federal Register* to allow for public comment for 60 days. Barring substantive comments that disprove the findings of the pest-risk

analysis, a notice will be published in the *Federal Register* to announce that APHIS will begin issuing import permits for the commodity.

## Q. What are the four designated phytosanitary measures that would allow a commodity to be approved under the notice-based process?

A. To be eligible for approval under the notice-based process, a commodity's pest risk must be sufficiently mitigated by one or more of the following four designated phytosanitary measures:

- Port-of-entry inspection;
- Use of approved postharvest treatment;
- A phytosanitary certificate accompanying the commodity, attesting to its having originated from a pest-free area; or
- A phytosanitary certificate accompanying the commodity, attesting to its freedom from a specific pest or pests.

Imports that require more complex risk-mitigation methods will continue to be subject to the full rulemaking process.

## Q. Does the rule make any other substantive changes?

A. Yes. The rule establishes a framework for notice-based approval of pest-free areas that is similar to the commodity approval process described above. The rule would also authorize the issuance of special-use permits for the importation of small lots of prohibited fruits or vegetables for special events, such as trade shows, and for scientific research. The rule also proposes minor changes to current import regulations for stonefruit from Chile and okra and tomatoes from certain countries.

## Q. Will this new process compromise the safety of imports?

A. No. All fruit and vegetable imports will continue to undergo the same rigorous risk-analysis process as they do under the current Q56 regulation. The proposed rule would not change which fruits and vegetables are granted importation or how the risks associated with those commodities are evaluated or mitigated. It would only make more timely the approval of fruits and vegetables that are safe for importation into the United States.

## Q. Will all imports be approved by the revised protocol?

A. Any import that does not meet the criteria for notice-based approval will still be subject to the full rulemaking process. Essentially, any commodity whose risks require complex risk-mitigation

measures would undergo full rulemaking. Only those commodities that can be imported safely by applying one or more of the designated phytosanitary measures will be allowed to proceed under the proposed notice-based system.

**Q. How will these changes improve APHIS operations?**

**A.** This proposal would simplify and expedite the APHIS process for approving new imports and pest-free areas while continuing to allow for public participation in agency decisionmaking. It is possible that as many as 65–75 percent of requests currently in the queue could be eligible for approval under the notice-based process. More expeditious approval of eligible commodities would free up substantial resources to focus on more complex import issues that would continue to be handled under the rulemaking process.

**Q. Will this have any effect on exports?**

**A.** APHIS is obligated under an agreement with the World Trade Organization to approve legitimate phytosanitary controls and procedures on import requests “without undue delay.” It is almost impossible to satisfy this obligation under the current rulemaking process. APHIS estimates that it takes a minimum of 18 months to evaluate and approve new import requests under the current system. In reality, the process typically takes 2 to 3 years and longer in some cases. Unfortunately, some foreign countries have likened this lengthy and cumbersome approval process to a trade barrier and have responded by slowing the approval of U.S. exports into foreign markets. Streamlining the rulemaking segment of our process should help alleviate trade barriers to U.S. exports and give the United States needed leverage to insist that other countries undertake similar innovations.

**Q. How can interested parties submit comments on the proposed Q56 revision?**

**A.** If you wish to comment on the proposed regulation, please send an original and three copies by postal mail or commercial delivery to Docket No. APHIS–2005–0106, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. If you wish to send your comments using the Internet, go to the Federal eRulemaking portal at <http://www.regulations.gov> and, in the “Search Regulations and Federal Actions” box, select “Animal and Plant Health Inspection Service” from the agency drop-down menu; then click on “Submit.” In the Docket ID column, select APHIS–2005–0106 to submit or view public comments and to view supporting and related materials available electronically.

APHIS will also be hosting a series of public hearings to gather feedback from interested parties in the following locations:

- Seattle, Wash., Tuesday, May 23, at the Seattle Renaissance Hotel, 515 Madison St., from 9 a.m. to 1 p.m.
- Los Angeles, Calif., Wednesday, May 24, at the Westin Los Angeles Airport, 5400 West Century Blvd., from 1 p.m. to 5 p.m.
- Miami, Fla., Friday, May 26, at the Hilton Miami Airport, 5101 Blue Lagoon Drive, from 9 a.m. to 1 p.m.
- Washington, D.C., Tuesday, June 20, at USDA’s Jamie L. Whitten Building, 1400 Independence Ave., S.W., from 9 a.m. to 1 p.m.

Onsite registration will take place 30 minutes prior to the scheduled start of each meeting. Persons wishing to speak at one or all of the public meetings may register in advance by phone or e-mail. To register by phone, leave a reservation message at the regulatory analysis and development voice mail box at (301) 734–8138. Please provide your name and organization along with the location of the hearings you wish to attend. To register by e-mail, please send the same information described above to [ppq.public.hearings@aphis.usda.gov](mailto:ppq.public.hearings@aphis.usda.gov). Please write the location of the hearings you wish to attend in the subject line. Advance registration for the meetings must be received by 3 p.m., on the day prior to the meetings you wish to attend. Additional details, including parking information, can be found on the Internet at <http://www.aphis.usda.gov/ppq/Q56>.

---

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual’s income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA’s TARGET Center at (202) 720–2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250–9410, or call (800) 795–3272 (voice) or (202) 720–6382 (TDD). USDA is an equal opportunity provider and employer.