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Marketing and Regulatory Programs

Animals and Plant Health Inspection Service

Proposed Rule for Importation of Unshu Oranges from Japan

Environmental Assessment, July 2000

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Environmental Assessment, July 2000

Agency Contact:

Paul Gadh
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 prohibition does not apply to Unshu oranges (*Citrus reticulata* Blanco var. *unshu*, Swingle [*Citrus unshiu* Marcovitch, Tanaka]), also known as Satsuma, grown in Japan, imported under permit and in accordance with certain safeguard requirements into any area of the United States except American Samoa, Arizona, California, Florida, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States. Official requests were made to the U.S. Department of Agriculture in accordance with Sanitary and Phytosanitary (SPS) agreements to allow broader importation of Unshu oranges from Japan. A pest risk assessment was prepared to consider issues related to this request for importation of Unshu oranges (USDA, APHIS, 1995b) and the findings of that document are incorporated by reference. In response to the request from Japan and based upon the findings of the pest risk assessment, we are proposing to change entry requirements for Unshu oranges and change approved export areas on Honshu Island. These actions will allow the expanded movement of Unshu oranges while maintaining at a negligible level the risk of pest introduction in the United States. It has also been determined that the regulations for importation of these fruits into the United States need to provide additional exclusionary techniques against mealybugs and other pests. In particular, the Animal and Plant Health Inspection Service (APHIS) is planning to conduct trapping for the Citrus fruit fly (*Bactrocera tsuneonis*) on Kyushu Island and require previously approved export areas on Honshu Island to provide post harvest methyl bromide treatment for Unshu oranges to be exported from Japan.

B. Need

In response to the official requests from the country of Japan to facilitate broader importation of these citrus fruits to the United States in accordance with SPS agreements, APHIS has reviewed the issues related to each request and will publish a proposal to amend the phytosanitary regulations by allowing importation of Unshu oranges from Japan into the United States under conditions specified in a Federal Register notice. This notice will solicit public comments on the proposal for a 60-day time period. APHIS review and consideration of the issues of concern to interested parties resulted in the determination 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, 1995a), 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 mealybug (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 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.

In compliance with SPS agreements between the United States and other countries, APHIS is required to review applications for importation of foreign agricultural commodities at the request of the country of origin. APHIS reviewed the requests to amend import requirements for Unshu 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 proposed rule and from its change in the current regulations. Imports into the United States of Unshu oranges resulting from this amendment are expected to be low volume (an average of five shipments per year) as have been exported to the United States from Japan for more than 20 years. The proposed importations 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.

This EA has been designed to satisfy the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4327 (NEPA)), its implementing regulations, and Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

II. Alternatives

This EA 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 allow the importation of Unshu oranges grown at approved locations in Japan under certain conditions (7 CFR 319.28(b). In addition, it would place additional regulatory requirements on the importation of these fruits from Japan to guard against injurious disease and plant pest introductions to the United States. This EA considers two possible alternatives— regulation under the proposed rule and current regulation of citrus (no action).

A. Proposed Rule

This alternative is defined by enactment of the proposed rule and would result in enforcement of the amended phytosanitary regulations of citrus from Japan. This rule would allow importation of Unshu oranges by commercial growers in Japan from approved export areas 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 Unshu oranges offered for entry must be shown to originate from a region in Japan that has been determined to be free from citrus canker.

The national plant protection organization of Japan has demonstrated that the citrus-growing areas of Honshu Island and Kyushu Island (Prefectures of Fukuoka, Kumamoto, Nagasaki, and Saga) are free from citrus canker. This is in accordance with the standards established by the United Nations' Food and Agriculture Organization for pest-free areas. Regulation under the proposed rule for the importation of Unshu oranges into the United States divides Japan into separate growing areas. From Kyushu Island (Prefectures of Fukuoka, Kumamoto, Nagasaki, and Saga only), Unshu oranges may be imported under permit into any area of the United States except American Samoa, Arizona, California, Florida, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States. From previously approved export areas of Japan on Honshu Island, Unshu oranges may be imported under permit to any area of the United States except American Samoa, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

The proposed rule for the import of Unshu oranges from Japan requires changes in 7 CFR 319.28(b) regarding additional safeguard measures. In addition to the safeguard measures now listed, there would be three new safeguards incorporated under 7 CFR 319.28(b): (1) Fumigation with Methyl Bromide (T104-a-3) will be required for all Unshu oranges from Japan except those produced in approved export Prefectures of Kyushu Island. The fumigation schedule will be at the rate of 3 pounds per 1000 cubic feet for 2 hours at 59 ^{o}F or above at normal atmospheric pressure (chamber only) with a load factor of 32% or below. Trapping will be conducted on Kyushu Island for the Citrus fruit fly (*Bactrocera tsuneonis*) as directed by the local work plan between the Ministry of Agriculture, Forestry and Fisheries (MAFF) and APHIS. (2) The rule would require modification to 319.28 (b)(4)(i) regarding the paper wrapping requirement for Unshu oranges. Fruit produced in all approved export areas of

Japan would no longer require individual wrapping of each fruit in paper. The rule will continue to require individual marking of boxes with the specific States into which the Unshu oranges may be imported, and the States where they are prohibited. (3) Regulation 319.28 (b)(6) lists ports of entry where Unshu oranges may be imported into the United States. It will require the following amendment as follows: from Japan (Kyushu Island Prefectures of Fukuoka, Kumamoto, Nagasaki, and Saga), Unshu oranges may be imported under permit into any area of the United States except American Samoa, Arizona, California, Florida, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States. From previously approved export areas of Japan on Honshu Island, Unshu oranges may be imported under permit to any area of the United States except American Samoa, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands of the United States.

The proposed conditions of entry are designed solely to protect the United States from quarantine pests and diseases. This proposal would allow for expanding the distribution market of Unshu oranges to five States where movement had previously been prohibited and replacing voluntary post harvest fumigation with mandatory methyl bromide treatment. These actions will allow the expanded movement of Unshu oranges while maintaining a negligible risk of pest introduction in the United States. The intended outcome is 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 Japan. This alternative would continue to allow for the importation of Unshu oranges from Japan, provided that all existing safeguards are met. This action would still restrict the movement and distribution of fruit to specific areas of the United States. The lack of new conditions for entry of commercial shipments of citrus fruits from Japan maintains overall pest risk at present levels. The total exclusion of citrus fruits from some areas of Japan under the no action alternative maintains overall pest risk at lower levels than under the proposed rule alternative. 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 for the importation of Unshu oranges would allow for an expanded distribution to areas where movement was previously prohibited in the United States. Under the proposed rule, Unshu oranges may be imported under permit from previously approved export areas of Japan on Honshu Island to any area of the United States except American Samoa, the Northern Marian Islands, Puerto Rico, and the Virgin Islands of the United States. The direct environmental effects of this rule consist of the negligible impacts from the transport of citrus from the country of Japan. The small quantities of shipments from this transport and the bulk movement of these fruits do not pose any environmental risks of concern as is.

The fruits from Honshu Island will undergo a methyl bromide treatment schedule to reduce and control pest infestations. The need for this treatment of oranges from Honshu Island was determined through pest risk assessment (USDA, APHIS, 1995b). The pest risks for fruit from Kyushu Island differ and the risk assessment did not justify fumigation of Unshu oranges from that part of Japan. The required trapping of citrus fruit fly populations on Kyushu serves to verify that pest risk remains low and fumigation is not a necessary treatment in these areas. Trapping poses negligible adverse environmental impacts. Previous shipments of Unshu oranges from Honshu Island in Japan have been fumigated voluntarily in this manner. This change in the regulation is not expected to increase shipments from Japan, in that the cost of fumigation passed on to the consumer will maintain demand at current levels (~ 5 shipments per year). Therefore, impacts from the mandatory fumigation of Unshu oranges with methyl bromide under the proposed rule are not expected to differ from those impacts that would result from no changes to

the phytosanitary regulations. In other words, the potential cumulative impacts from methyl bromide use under the proposed rule would not differ from cumulative impacts under the no action alternative.

There are major indirect impacts that could result from the potential importation of several injurious plant pests and diseases associated with citrus grown in Japan. Although the Agricultural Ministry of Japan has clearly demonstrated that the citrus-growing areas of Kyushu Island (Prefectures of Fukuoka, Kumamoto, Nagasaki, and Saga only), and Honshu Island are relatively free of citrus canker and mealybug, 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. The movement of infested nursery stock poses the greatest pest risk, but fruit from infested trees is of considerable concern. Other than disease concerns on citrus from Japan, there are several destructive insect pests of quarantine concern. In particular, mealybugs, which can attack over 400 different crops, have required considerable expense to counter the potentially harmful effects on agriculture and the environment. 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. APHIS program officials have determined that combinations of fumigations and sterilization provide adequate safeguarding conditions of entry based upon the pest risk assessment (USDA, APHIS,1995b). Under the proposed rule, non-commercial shipments of citrus from Japan would continue to be denied entry to the United States. The primary route of pest infestation 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. The proposed phytosanitary regulations for citrus from Japan relate primarily to the exclusion of citrus canker and mealybugs. Potential environmental consequences and pest risks from commercial imports relate primarily to the pest risk to host plants from these 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 319.28. The shipments of citrus would be subject to inspection, disinfection, or both, as may be required by a U.S. Department of Agriculture inspector as a condition of entry. 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 Japan 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 any animal pests. 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 negligible risk that the phytosanitary regulations, treatments, and inspections will not detect all infested commodities and prevent the introduction of pests. The recent increase in world trade places 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. 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 decision-making.

The relative risks of pest introduction from shipments of Unshu oranges that are subject to phytosanitary regulations were analyzed in a pest risk assessment (USDA, APHIS, 1995b). 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 best. 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.

B. No Action

This alternative would continue to allow the importation of Unshu oranges from Japan under the current regulations and imported under permit into any area of the United States except for American Samoa, Arizona, California, Florida, Louisiana, the Northern Mariana Islands, Puerto Rico, Texas, and the Virgin Islands of the United States, subject to the required safeguards. The lack of new conditions for entry of commercial shipments of citrus from Japan maintains pest risk at the present levels. This pest risk associated with the no action alternative is very low and is 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 unchanged. Other than illegal smuggling of citrus from Japan 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 not increase the environmental risk substantially, in that the number of shipments of Unshu oranges from Japan (an average of five shipments per year) is not expected to change from areas that are regulated. The pest risk may be somewhat elevated due to transport from more diverse locations. However, this increased pest risk for fruit from different locations 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.

The potential changes in phytosanitary regulations considered under the proposed rule do not selectively impact any segment of the U.S. population. The actions to facilitate importation of citrus from Japan 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. These proposed actions also do not pose any disproportionate burden on children and adhere to the principles expressed in Executive Order 13045, "Protection of Children From Environmental Health Risks and Safety Risks."

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 the Ministry of Agriculture, Forestry and Fisheries of Japan to exclude plant pests. 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, 1995a. Proposed rule for the importation of fruits and vegetables. May 1995. Riverdale, MD.

U.S. Department of Agriculture, Animal and Plant Health Inspection Service, 1995b. Importation of Japanese Unshu Orange Fruits (Citrus reticulata Blanco var. unshu Swingle) into Citrus Producing States. Pest Risk Assessment. March 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 Unshu Oranges from Japan
Environmental Assessment,
July 2000

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 Unshu oranges grown at approved locations in Japan 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 proposed program poses no disproportionate adverse effects to minority or low income populations and 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." I also find that the proposed program poses no disproportionate adverse effects to children and the process is entirely consistent with Executive Order 13045, "Protection of Children From Environmental Health Risks and Safety Risks."

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 Unshu oranges from Japan may be enforced as a part of the phytosanitary regulations.

/S/ 7/27/00

Richard Dunkle
Deputy Administrator
Plant Protection and Quarantine
Animal and Plant Health Inspection Service

Date