

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2018-0025]

#### Notice of Availability of a Pest Risk Analysis for the Importation of Fresh Pepper Fruit From Colombia Into the Continental United States

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of availability.

**SUMMARY:** We are advising the public that we have prepared a pest risk analysis that evaluates the risks associated with importation of fresh pepper fruit from Colombia into the continental United States. Based on the analysis, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of fresh pepper fruit from Colombia. We are making the pest risk analysis available to the public for review and comment.

**DATES:** We will consider all comments that we receive on or before July 8, 2019.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0025>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2018-0025, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0025> or in our reading room, which 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) 799-7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Mr. Nicholas Van Gorden, Regulatory Policy Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737-1231; (301) 851-2326.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the regulations in “Subpart L—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–12, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into or disseminated within the United States.

Section 319.56–4 contains a performance-based process for approving the importation of fruits and vegetables that, based on the findings of a pest risk analysis, can be safely imported subject to one or more of the five designated phytosanitary measures listed in paragraph (b) of that section.

APHIS received a request from the national plant protection organization (NPPO) of Colombia to allow fresh pepper (*Capsicum* spp., specifically the domesticated species *Capsicum annuum* L., *C. baccatum* L., *C. chinense* Jacq., *C. frutescens* L., and *C. pubescens* Ruiz & Pav.) fruit with stems into the continental United States. As part of our evaluation of Colombia’s request, we have prepared a pest risk assessment (PRA) to identify pests of quarantine significance that could follow the pathway of importation of fresh pepper fruit into the continental United States from Colombia. Based on the PRA, a risk management document (RMD) was prepared to identify phytosanitary measures that could be applied to the fresh pepper fruit to mitigate the pest risk.

We have concluded that fresh pepper fruit can be safely imported from Colombia into the continental United States using one or more of the five designated phytosanitary measures

listed in § 319.56–4(b). The NPPO of Colombia would have to enter into an operational workplan with APHIS that spells out the daily procedures the NPPO will take to implement the measures identified in the RMD. These measures are summarized below and would also be listed in APHIS’ Fruits and Vegetables Import Requirements database, available at <https://epermits.aphis.usda.gov/manual>:

- The peppers must be grown in approved places of production registered with the NPPO of Colombia.
- Pepper places of production must consist of pest-exclusionary structures.
- The places of production must contain traps for the detection of Mediterranean fruit fly (*Ceratitis capitata* (Wiedemann)) and South American fruit fly (*Anastrepha fraterculus* (Wiedemann)) both within and around the structures.
- The places of production must be inspected prior to harvest for *Neoleucinodes elegantalis* (Guenée), a fruit boring moth; *Copitarsia decolora* (Guenée), a moth; and *Puccinia pampeana* Speg., a pathogenic fungus that causes pepper and green pepper rust.

- If any of these pests, or other quarantine pests, are found to be generally infesting or infecting the places of production, the NPPO of Colombia must immediately prohibit that production site from exporting peppers to the continental United States and notify APHIS of the action. The prohibition will remain in effect until the Colombian NPPO and APHIS agree that the risk has been mitigated.

- The Colombian NPPO must maintain records of trap placement, checking of traps, and any quarantine pest captures. The Colombian NPPO must maintain an APHIS-approved quality control program to monitor or audit the trapping program. The trapping records must be maintained for APHIS review.

- The peppers must be packed within 24 hours of harvest in a pest-exclusionary packinghouse.

- The peppers must be safeguarded by an insect-proof mesh screen or plastic tarpaulin while in transit to the packinghouse and while awaiting packing. The peppers must be packed in insect-proof cartons or containers, or covered with insect-proof mesh or plastic tarpaulin, for transit into the

continental United States. These safeguards must remain intact until arrival in the continental United States or the consignment will be denied entry into the continental United States.

- During the time the packinghouse is in use for exporting peppers to the continental United States, the packinghouse may only accept peppers from registered approved places of production.

- Each consignment of peppers must be accompanied by a phytosanitary certificate of inspection issued by the Colombian NPPO stating that the fruit in the consignment has been produced in accordance with 7 CFR 319.56–4. Consignments must be packed in cartons that are labeled with the identity of the place of production.

- Consignments of fresh pepper fruit from Colombia are subject to inspection at the port of entry in the continental United States.

- Consignments are not for importation or distribution into or within Hawaii, Puerto Rico, or any U.S. Territory.

In addition to these specific measures, fresh pepper fruit from Colombia would be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

Therefore, in accordance with § 319.56–4(c), we are announcing the availability of our PRA and RMD for public review and comment. Those documents, as well as a description of the economic considerations associated with the importation of fresh pepper fruit from Colombia, may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of the PRA and RMD by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analysis you wish to review when requesting copies.

After reviewing any comments we receive, we will announce our decision regarding the import status of fresh pepper fruit from Colombia in a subsequent notice. If the overall conclusions of our analysis and the Administrator's determination of risk remain unchanged following our consideration of the comments, then we will authorize the importation of fresh pepper fruit from Colombia into the continental United States subject to the requirements specified in the RMD.

**Authority:** 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 3rd day of May 2019.

**Kevin Shea,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2019–09512 Filed 5–8–19; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0068]

#### Importation of *Dianthus* spp. From Kenya

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** We are notifying the public that we propose to make changes to the import requirements in the U.S. Department of Agriculture (USDA) Plants for Planting Manual for imports of *Dianthus* spp. (carnation) cuttings from Kenya. Currently, *Dianthus* spp. cuttings from Kenya require mandatory postentry quarantine within the United States. We are proposing to allow *Dianthus* spp. cuttings from Kenya to be imported into the United States without postentry quarantine, subject to certain conditions. These changes to the USDA Plants for Planting Manual would relieve restrictions on *Dianthus* spp. cuttings from Kenya while continuing to address the possible introduction of quarantine pests through the importation of such cuttings. We are making these changes available to the public for review and comment.

**DATES:** We will consider all comments that we receive on or before July 8, 2019.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0068>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2018–0068, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at <http://www.regulations.gov/#!docketDetail;D=APHIS-2018-0068> or in our reading room, which 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) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lydia E. Colón, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 851–2302.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the regulations in “Subpart H—Plants for Planting” (7 CFR 319.37–1 through 319.37–23, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) prohibits or restricts the importation of plants for planting (including living plants, plant parts, seeds, and plant cuttings) to prevent the introduction of quarantine pests into the United States. *Quarantine pest* is defined in § 319.37–2 as a plant pest or noxious weed that is of potential economic importance to the United States and not yet present in the United States, or present but not widely distributed and being officially controlled. In accordance with § 319.37–20, APHIS may impose quarantines and other restrictions on the importation of specific types of plants for planting. These restrictions are listed in the USDA Plants for Planting Manual.<sup>1</sup>

In a final rule<sup>2</sup> published in the **Federal Register** on March 19, 2018 (83 FR 11845–11867, Docket No. APHIS–2008–0011), and effective on April 18, 2018, we amended the regulations so that restrictions on the importation of certain types of plants for planting would be included in the USDA Plants for Planting Manual instead of the regulations, meaning that changes to specific restrictions on plants for planting are no longer made through rulemaking. Under § 319.37–20, if APHIS determines it is necessary to add, change, or remove restrictions on the importation of a specific type of plant for planting, we will publish in the **Federal Register** a notice that announces the proposed change and invites public comment.

The USDA Plants for Planting Manual currently requires *Dianthus* spp. (carnation) cuttings to be held in postentry quarantine for 1 year following their importation into the United States, unless they originate

<sup>1</sup> [https://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/plants\\_for\\_planting.pdf](https://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/plants_for_planting.pdf).

<sup>2</sup> The proposed and final rules, supporting documents, and comments can be viewed at <https://www.regulations.gov/docket?D=APHIS-2008-0011>.