

number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 14th day of October 2011.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2011-0092]

#### Importation of Plants for Planting; Risk-Based Sampling and Inspection Approach and Propagative Monitoring and Release Program

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

**ACTION:** Notice.

**SUMMARY:** We are advising the public of our decision to implement a risk-based sampling approach for the inspection of imported plants for planting. In our previous approach, we inspected 2 percent of consignments of imported plants for planting regardless of previous evidence of the risk posed by the plants for planting. The risk-based sampling and inspection approach will allow us to target high-risk plants for planting for more extensive inspection to help ensure that plants for planting infested with quarantine pests do not enter the United States, while providing a speedier inspection process for lower-risk plants for planting. In addition, for taxa of plants for planting that pose an extremely low risk, we are establishing a Propagative Monitoring and Release Program under which consignments of those taxa will be periodically monitored but not every consignment will be inspected.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gordon Muraoka, National Plant Inspection Station Coordinator, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 734-0932; or Dr. Mary Palm, Senior Mycologist and Lab Director, National Identification Services, Molecular Diagnostic Lab, PPQ, APHIS, B-580, BARC-East, Powder Mill Road, Beltsville, MD 20705; (301) 504-7154.

**SUPPLEMENTARY INFORMATION:** The regulations in 7 CFR part 319 prohibit or restrict the importation of certain

plants and plant products into the United States to prevent the introduction of plant pests that are not already established in the United States or plant pests that may be established but are under official control to eradicate or contain them within the United States.

The regulations in “Subpart—Plants for Planting,” §§ 319.37 through 319.37-14 (referred to below as the regulations), restrict the importation of plants for planting. *Plants for planting* is defined in § 319.37-1 as plants intended to remain planted, to be planted or replanted. The definition of *plant* in that section includes any plant (including any plant part) for or capable of propagation, including a tree, a tissue culture, a plantlet culture, pollen, a shrub, a vine, a cutting, a graft, a scion, a bud, a bulb, a root, and a seed.

All plants for planting imported into the United States must be presented for inspection. Inspectors examine the plants for planting to determine whether they show any visual evidence of being infested with quarantine pests or infected with quarantine pathogens. After inspection, the plants may be allowed entry into the United States (with treatment, if necessary), destroyed, or reexported, depending on the results of the inspection.

Plants for planting that are required to be imported under a written permit under § 319.37-3(a)(1) through (a)(6) and that are not from Canada must be imported or offered for importation at a U.S. Department of Agriculture (USDA) plant inspection station. Under § 319.37-3(a)(5), lots of 13 or more articles (other than seeds, bulbs, or sterile cultures of orchid plants) from any country or locality except Canada may be imported into the United States only after issuance of a written permit. Therefore, most consignments of plants for planting must be imported or offered for importation at a USDA plant inspection station. Such stations are listed in § 319.37-14. Plants for planting that are offered for inspection at a USDA plant inspection station are inspected by Plant Protection and Quarantine (PPQ) inspectors.

This notice announces our decision to standardize our approach to sampling and inspecting consignments of plants for planting offered for importation at USDA plant inspection stations based on the pest risk presented by the plants for plant for planting.

To this point, PPQ inspectors have inspected a minimum of 2 percent of every consignment of plants for planting presented for inspection. We have assessed our sampling and inspection methods and found that we can use our

resources more effectively by targeting our efforts towards plants for planting that are known to present a higher risk, based on past inspection results for those plants for planting. Such an approach would be consistent with International Standard for Phytosanitary Measures (ISPM) #31, “Methodologies for Sampling of Consignments.”<sup>1</sup>

Therefore, we are standardizing our sampling and inspection approach to adjust the intensity of our inspection of imported plants for planting based on the risk they present of introducing quarantine pests into the United States. We will evaluate the risk associated with combinations of taxa of plants for planting and countries from which they are exported and assign risk ratings to those articles.

Plants for planting determined to present an extremely low risk will be inspected under the Propagative Monitoring and Release Program (PMRP). Taxa of plants for planting included in this program will be periodically monitored at plant inspection stations. Not every consignment of plants for planting included in the PRMP will be inspected, but those consignments that are inspected will be inspected at normal levels to confirm the plants’ continued eligibility for the PMRP.

Subsequently, we will also implement a risk-based sampling plan for all other plants for planting. We will implement this approach initially by considering all taxa of plants for planting to be high risk. All plants for planting will be sampled at high risk rates until we have gathered sufficient data to establish that the plants for planting present a medium or low risk.

If a taxon of plants for planting from a certain country is determined to present a medium or low risk, it will be sampled at the plant inspection stations at a less intensive rate than high-risk plants for planting. We will continue to sample some consignments of the taxon at higher rates to monitor whether the taxon should still be considered to be medium or low risk. We will update our categorizations of taxa regularly in response to data from all inspections. This approach will allow us to target our resources towards taxa of plants for planting that pose the greatest risk and thus to provide greater security against the introduction of quarantine pests into the United States.

<sup>1</sup> ISPMs are developed under the auspices of the International Plant Protection Convention, to which the United States is a signatory. To view this and other ISPMs on the Internet, go to <http://www.ippc.int/> and click on the “Adopted Standards” link under the “Core activities” heading.

For importers of plants for planting, this approach may increase or decrease inspection time at the plant inspection station, depending on the risk level of the material. We believe this new sampling and inspection approach will result in increased effectiveness and that the difference in inspection time will be an incentive for importers to present high-quality, pest-free plants for planting for inspection at plant inspection stations.

We plan to implement the PMRP on October 17, 2011. The risk-based sampling will be implemented following further analysis of the sampling protocol.

Done in Washington, DC, this 14th day of October 2011.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2011-0091]

#### International Sanitary and Phytosanitary Standard-Setting Activities

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with legislation implementing the results of the Uruguay Round of negotiations under the General Agreement on Tariffs and Trade, we are informing the public of the international standard-setting activities of the World Organization for Animal Health, the Secretariat of the International Plant Protection Convention, and the North American Plant Protection Organization, and we are soliciting public comment on the standards to be considered.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0091-0001>.

- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS-2011-0091, 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/#!documentDetail;D=APHIS-2011-0091>

[www.regulations.gov/#!documentDetail;D=APHIS-2011-0091](http://www.regulations.gov/#!documentDetail;D=APHIS-2011-0091) 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) 690-2817 before coming.

**FOR FURTHER INFORMATION CONTACT:** For general information on the topics covered in this notice, contact Mr. John Greifer, Associate Deputy Administrator for SPS Management, International Services, APHIS, room 1132, USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC 20250; (202) 720-7677.

For specific information regarding standard-setting activities of the World Organization for Animal Health, contact Dr. Michael David, Director, International Animal Health Standards Team, National Center for Import and Export, VS, APHIS, 4700 River Road, Unit 33, Riverdale, MD 20737-1231; (301) 734-5324.

For specific information regarding the standard-setting activities of the International Plant Protection Convention or the North American Plant Protection Organization, contact Ms. Julie E. Aliaga, Program Director, International Phytosanitary Standards, PPQ, APHIS, 4700 River Road, Unit 140, Riverdale, MD 20737-1236; (301) 734-0763.

#### SUPPLEMENTARY INFORMATION:

##### Background

The World Trade Organization (WTO) was established as the common international institutional framework for governing trade relations among its members in matters related to the Uruguay Round Agreements. The WTO is the successor organization to the General Agreement on Tariffs and Trade. U.S. membership in the WTO was approved by Congress when it enacted the Uruguay Round Agreements Act (Pub. L. 103-465), which was signed into law on December 8, 1994. The WTO Agreements, which established the WTO, entered into force with respect to the United States on January 1, 1995. The Uruguay Round Agreements Act amended Title IV of the Trade Agreements Act of 1979 (19 U.S.C. 2531 *et seq.*). Section 491 of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2578), requires the President to designate an agency to be responsible for informing the public of the sanitary and phytosanitary (SPS) standard-setting activities of each

international standard-setting organization. The designated agency must inform the public by publishing an annual notice in the **Federal Register** that provides the following information: (1) The SPS standards under consideration or planned for consideration by the international standard-setting organization; and (2) for each SPS standard specified, a description of the consideration or planned consideration of that standard, a statement of whether the United States is participating or plans to participate in the consideration of that standard, the agenda for U.S. participation, if any, and the agency responsible for representing the United States with respect to that standard.

“International standard” is defined in 19 U.S.C. 2578b as any standard, guideline, or recommendation: (1) Adopted by the Codex Alimentarius Commission (Codex) regarding food safety; (2) developed under the auspices of the World Organization for Animal Health (OIE, formerly known as the Office International des Epizooties) regarding animal health and welfare, and zoonoses; (3) developed under the auspices of the Secretariat of the International Plant Protection Convention (IPPC) in cooperation with the North American Plant Protection Organization (NAPPO) regarding plant health; or (4) established by or developed under any other international organization agreed to by the member countries of the North American Free Trade Agreement (NAFTA) or the member countries of the WTO.

The President, pursuant to Proclamation No. 6780 of March 23, 1995 (60 FR 15845), designated the Secretary of Agriculture as the official responsible for informing the public of the SPS standard-setting activities of Codex, OIE, IPPC, and NAPPO. The United States Department of Agriculture’s (USDA’s) Food Safety and Inspection Service (FSIS) informs the public of Codex standard-setting activities, and USDA’s Animal and Plant Health Inspection Service (APHIS) informs the public of OIE, IPPC, and NAPPO standard-setting activities.

FSIS publishes an annual notice in the **Federal Register** to inform the public of SPS standard-setting activities for Codex. Codex was created in 1962 by two United Nations organizations, the Food and Agriculture Organization (FAO) and the World Health Organization. It is the major international organization for encouraging international trade in food and protecting the health and economic interests of consumers.