

Fruit and Vegetable Streamlining Rule

“Establishing a Performance Standard for Authorizing the Importation and Interstate Movement of Fruits and Vegetables”

(7 CFR 318 and 319)





What does this rule do?

APHIS is expanding the Notice Based Process for 7 CFR 318 and 319

This regulation will enable APHIS to use the noticed-based process to approve ALL new fruits and vegetables for importation from foreign countries and interstate movement from Hawaii and U.S. territories.

Under the expanded notice-based process, amendments to the Federal Regulations would no longer be needed, instead approval would be done via the publication of notices in the Federal Register

Why is it necessary?

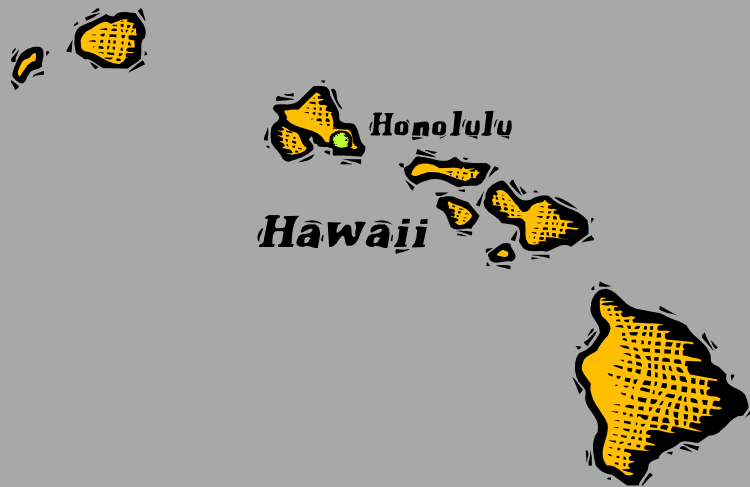
- Currently, import and interstate movement requirements for fruits and vegetables are codified in 7 CFR 319.56 and 318.13
- In order to make changes to the import and movement requirements, changes to the Code of Federal Regulations (CFR) have to be done through rulemaking
- Rulemaking is a slow process and getting slower

Previous Streamlining Rule

In 2007, APHIS published a rule that established a notice-based process for approving the importation of fruits or vegetables as long as they met one or more of the following conditions:

- - Inspection at the first port of entry in the United States;
 - Imported from a designated pest free area;
 - Treated under 7 CFR 305;
 - Phytosanitary inspection at the country of origin; or
 - Imported as commercial shipments only.

- In 2009, APHIS expanded the notice-based process to include the quarantine that regulates the interstate movement of fruits and vegetables from Hawaii and U.S. Territories under the same criteria.





Expanded Streamlining Rule

This NEW action will add more categories of performance measures that can be used in the notice-based process.

Practically speaking, all mitigations will be eligible for the notice-based process.



This proposed rule will also remove the commodity specific requirements found in the CFR

- 7 CFR 319.56-13 through 83 (Fruits and Vegetables)
- 7 CFR 318.13-16; 318.13-18 through 22 and 318.13-24 through 26 (Hawaii and the Territories)
- 7 CFR 319.28 (Citrus Quarantine)

Requirements will instead be maintained in the Fruits and Vegetables Import Requirements (FAVIR) database and in the Hawaii and Puerto Rico Manual.

In addition to the Federal Register Notices, updates to the manuals will be announced via the PPQ Stakeholder Registry.



This action will not alter our science-based process for approval

- APHIS will still:
 - Conduct **pest risk assessments (PRAs)** to evaluate the quarantine plant pest risk associated with a market access request
 - Solicit public comment on all PRAs through our **stakeholder registry**
 - **Vett** PRAs with NPPOs
 - Draft **risk management documents** to address the plant pest risk



Notice-based process:

- APHIS publishes a notice in the *Federal Register* announcing the availability of the pest risk assessment and risk management document, as well as proposed mitigations
- APHIS takes comment for at least 60 days
- APHIS issues a second notice in the *Federal Register* announcing our decision to grant or deny market access, and responding to the comments received
- Will also be used for revision to market access



Benefits of Streamlining

The proposed changes will:

- Allow APHIS be more responsive to evolving pest situations
- Could decrease the amount of time it takes APHIS to approve the importation or interstate movement of fruits and vegetables



Stakeholder Impacts

- The commodity clearance process at U.S. ports of entry will not change
- This rule does not apply to plants for planting, only fruit and vegetable commodities for consumption
- Changes to phytosanitary certificates and operational workplans may be required, if they reference the CFR sections being removed
- APHIS is identifying what information in the CFR, not currently in FAVIR or PPQ manuals, will need to be captured for reference
- ALL requirements necessary to import a commodity into the United States will be listed in FAVIR or the appropriate PPQ manuals



Notice Process vs. Rulemaking

Step	Notice-based process	Rulemaking	Description
1	Request to authorize the import or move interstate a new fruit or vegetable	x	APHIS receives a request to authorize the import or interstate movement of a new fruit or vegetable from a national plant protection organization or State/Territorial officials.
2	Pest risk assessment and stakeholder consultation	x	APHIS conducts a pest risk assessment. The assessment is posted on the APHIS website for a 30-day stakeholder consultation period.
3	Risk mitigation requirements	x	APHIS drafts risk mitigation documents outlining necessary measures.
4	Departmental clearance	x	Officials in USDA review
5	OMB review	x	Officials in OMB review a description of each proposed action and determine whether to conduct a formal review of the proposed rule.
	OMB notification	x	APHIS notifies OMB of its intent to publish an initial notice, providing an opportunity for OMB oversight.



Notice Process vs. Rulemaking Cont.

Step		Notice-based process	Rulemaking	Description
6	Economic impact analysis		X	APHIS conducts an economic impact analysis, per the requirements of the Regulatory Flexibility Act.
7	Proposed rule		x	APHIS publishes a proposed rule in the Federal Register and solicits public comments for 60 days.
	Initial notice	x		APHIS publishes an initial notice in the Federal Register and solicits public comments for 60 days.
8	Departmental clearance	x	x	Officials in USDA review
9	OMB review		x	Officials in OMB review a description of each final action and determine whether to conduct a formal review of the final rule.
	OMB notification	x		APHIS notifies OMB of its intent to publish a final notice, providing an opportunity for OMB oversight.
10	Final rule		x	APHIS publishes a final rule in the Federal Register to address public comments and authorize the commodity import. Requirements for the commodity are codified in the U.S. Code of Federal Regulations.
	Final notice	x		APHIS publishes a final notice in the Federal Register to address public comments and authorize the commodity import. Requirements for the commodity are posted in the FAVIR database, the Fruit and Vegetable Manual, or the Hawaii and Puerto Rico Manual.



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