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Service

# **Proposed Rule for Importation of Papayas from Brazil and Costa Rica**

**Environmental Assessment,  
February 1998**

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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 that are new or not widely distributed in the country. Currently, the regulations do not provide for importation into the United States of papayas grown in Brazil. An official request was made from the Ministry of Agriculture of Brazil to the U.S. Department of Agriculture in accordance with Sanitary and Phytosanitary (SPS) agreements on June 22, 1994 to allow import of fresh papayas. In addition, it has been determined that the regulations for importation of papayas grown in Costa Rica to the United States need to provide additional exclusionary techniques against fruit flies and other pests. In particular, the agency is planning to require hot water treatment of all papayas intended for importation into the United States and to require certain regulatory actions when specific thresholds for fruit fly populations are reached. These requirements are proposed to make the phytosanitary regulations for Costa Rica and Brazil consistent with those for other comparable growing areas.

In response to this request, APHIS reviewed the issues related to this request and published a proposal to amend the phytosanitary regulations by allowing import of papayas (as well as some other fruits) from Brazil into the United States under conditions specified in the Federal Register on March 25, 1997 (62 FR 14037-14044). This notice solicited public comments on the proposal for a sixty day period ending May 27, 1997. Upon further review of the proposal, APHIS decided to take action at that time on all proposed regulations except the portion concerning papayas from Brazil.

APHIS published a revised proposal based upon further review of the issues in the Federal Register on September 25, 1997 (62 FR 50260-50262). That document reopened and extended the comment period on the proposed rule for importation of papayas from Brazil, and proposed additional phytosanitary conditions for the entry of papayas from Brazil and Costa Rica. These additional conditions included hot water treatment and a requirement that certain actions be taken if trap captures of Medfly reached certain levels in papaya production areas. The intent of these additional proposed conditions was to help further prevent the introduction of injurious plant pests into the United States.

Comments were received from 32 sources on or before October 27, 1997 concerning the importation of papayas from Brazil and Costa Rica. Further

review and consideration of these comments by APHIS raised the question of the need for preparation of an environmental assessment (EA) based upon 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, 1995), 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. At least one commenter raised the issue of potential environmental risks of a Medfly infestation resulting from imported papayas from Brazil. The issue of potential risk of fruit fly introduction is of great concern to APHIS also, and this issue has been exacerbated by the occurrence of a substantive infestation of Medfly in Florida in 1997. The potential for these indirect effects of the proposed rule provides justification to prepare an environmental assessment.

## **B. Need**

The Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), Policy and Program Development (PPD), Environmental Analysis and Documentation (EAD) has prepared this environmental assessment that 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, for the first time, allow the importation of papayas grown at approved locations in Brazil into all states except Hawaii (7 CFR 319.56-2w(f)). In addition, it would place comparable regulatory requirements on the importation of papayas from Costa Rica to ensure that potential fruit fly and other injurious plant pest introductions to the United States are prevented.

Imports into the United States of fresh papayas have increased rapidly, to the point where imports now exceed U.S. production levels of papayas for human consumption. The increase in imports of fresh papayas since 1993 is due almost entirely to increased shipments of papayas from Mexico. In compliance with SPS agreements between the United States and other countries, APHIS is required to review applications for import of foreign agricultural commodities at the request of the country of origin. APHIS reviewed the request from Brazil to import papayas into the United States and has proposed a rule to allow import under specific conditions. This EA analyzes the potential environmental impacts resulting from approval of this rule.

## **II. Alternatives**

The present revision of the proposed rule has been developed over an extended period of time with APHIS providing several opportunities for public comment on the potential effects of changes in regulations. This EA considers two possible alternatives—the current regulation of papayas (no action) and regulation under the proposed rule.

### **A. Proposed Rule**

This alternative is defined by enactment of the proposed rule and will result in enforcement of the phytosanitary regulation of papayas as proposed in the amendments to the phytosanitary regulations. The rule would allow importation of fresh papayas by commercial growers in Brazil and Costa Rica into the United States under specific conditions of entry. All shipments of papayas would be required to have a phytosanitary certificate from the country of origin stating that the papayas were grown, packed, and shipped in compliance with the proposed conditions of entry. Non-commercial shipments of papayas would continue to be denied entry to the United States. The proposed conditions for entry are meant solely to protect the United States from quarantine pests and are designed to exclude those pests of concern.

### **B. No Action**

The no action alternative is defined as continuation of the current phytosanitary regulation of papayas. This alternative would continue to allow commercial import of fresh papayas from Costa Rica under the current regulatory restrictions and would continue to deny the entry of fresh papayas from Brazil. Non-commercial shipments of papayas from Costa Rica would also be denied entry to the United States. The lack of new conditions of entry for commercial shipments of papayas from Costa Rica maintains overall pest risk at present levels, which are higher than under the proposed rule alternative. On the other hand, total exclusion of papaya from Brazil under the no action alternative maintains overall pest risk at lower levels than under the proposed rule alternative. 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 allows importation of fresh papayas by commercial growers in Brazil and Costa Rica into the United States under specific conditions of entry. The direct environmental effects of this rule consist of the negligible impacts from the transport of papayas from two countries. The small quantities of exhaust from this transport and the bulk movement of papayas do not pose any environmental risks of concern as is.

There are, however, major indirect impacts that could result from the importation of several injurious plant pests associated with papayas grown in Brazil and Costa Rica. In particular, outbreaks by the Mediterranean fruit fly or Medfly (*Ceratitis capitata*), which can attack over 400 different crops, have required considerable expense to counter the potentially harmful effects. In addition, there are adverse environmental risks associated with several other pest species of papaya found in these countries. Another fruit fly found in the papaya-growing region of Brazil is the South American fruit fly (*Anastrepha fraterculus*). The papaya fruit fly (*Toxotrypana curvicauda*) is found in both Brazil and Costa Rica. In addition to pest risks from fruit flies, there are several diseases of concern such as anthracnose that occurs on papaya in these countries. The presence of these injurious plant pests on papayas or in areas where papayas are grown in Brazil and Costa Rica does not indicate whether these pests could be transported on harvested fruit or could 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 papaya.

Under the proposed rule, non-commercial shipments of papayas would continue to be denied entry to the United States. The primary route of infestation of exotic fruit flies to the mainland United States is via 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 and do not differ from those under the current regulations.

Potential environmental consequences and pest risks for commercial imports are similar for papaya from Brazil and Costa Rica. The primary adverse environmental consequences are to host plants from insect pests, but outbreaks from new pest infestations could pose risks to humans and the physical environment if conditions required any control applications using pesticides. There are, however, some differences between Brazil and Costa Rica. The South American fruit fly does not occur in Costa Rica and current regulations already allow entry of fresh papaya from Costa Rica under certain conditions. Therefore, the environmental risks of imports from each country will be addressed separately to provide a clear picture to the reader.

The proposed rule to apply new regulations to Costa Rica was included to ensure consistent regulations for similar pest risks. Although papaya have already been approved for import to the United States, the pest risk and potential environmental risks under the current regulation have requirements that do not adequately address the pest risks. In particular, APHIS has concerns about the potential pest risk of introduced Medfly and certain diseases from Costa Rica if the regulations are not amended. One proposed additional condition of entry for papaya from Costa Rica is a post-harvest, hot water treatment to eliminate the potential disease spread of anthracnose. This treatment can also hinder development of fruit fly eggs. The other proposed change is the requirement that certain actions be taken if the number of Medfly captures in traps reach certain levels in papaya production areas. Although papayas at any stage of ripeness are not a preferred host of Medfly, and papayas are harvested at a stage (less than one-half ripe) when Medfly do not infest the fruit, heavy infestations near growing areas increase the possibility of unintentional transport of Medfly. The proposed restrictions of movement based upon trap counts diminish the chance of transport of Medfly to the United States in these commercial shipments over the current regulations, which do not consider this possibility.

The proposed conditions of entry for papayas into the United States from Brazil would be the same as those from Costa Rica. Commercial shipments from neither country would be allowed to be sent to Hawaii because there are high risks of introduction of papaya fruit fly to that state. Other papaya-growing locations in the United States already have this fruit fly. The pest risks from Medfly and the injurious diseases of papaya in Brazil are similar to those in Costa Rica and the proposed regulations provide comparable protection against pest risk and potential adverse environmental consequences. The presence of



South American fruit fly in Brazil must also be considered. As with Medfly, papayas are not the preferred host of South American fruit fly and fruits less than one-half ripe do not serve as host. Likewise, the proposed imposition of restrictions of movement based upon trap counts helps to diminish the chance of transport of South American fruit fly to the United States in these commercial shipments from Brazil. As with any import of potentially infested commodities, the facilitation of commercial movement of papayas from Brazil to the United States does pose some risk of pest introduction, and that risk is greater than the current regulation which does not allow entry of fresh papayas from Brazil at all. The potential environmental risks for papayas from Brazil are, however, comparable to those risks from the proposed regulation of papayas from Costa Rica and the potential impacts resulting from enactment of these rules are anticipated to be insignificant.

## **B. No Action**

This alternative would continue to allow commercial import of fresh papayas from Costa Rica under the current regulatory restrictions and would continue to deny the entry of fresh papayas from Brazil. Non-commercial shipments of papayas from Costa Rica would also be denied entry to the United States. The lack of new conditions for entry of commercial shipments of papaya from Costa Rica poses elevated pest risk over the additional regulations in the proposed rule. On the other hand, total exclusion of papayas from Brazil under the no action alternative maintains pest risk at lower levels than under the proposed rule alternative. As with the proposed rule, the primary adverse environmental consequences are to host plants from the insect pests, but outbreaks from new pest infestations could pose risks to humans and the physical environment if conditions required any control applications using pesticides. The greater risk of introduction of this type of pest outbreak occurs from the illegal movement of non-commercial papayas, which can occur whether the proposed rule is enacted or the current regulations remain as is. Other than illegal, non-commercial smuggling of tomatoes into the United States, which poses the highest risks, the commercial import of papayas from Costa Rica under the no action alternative has the next highest risk of introduction of injurious plant pests and associated adverse environmental impacts. This risk is mitigated somewhat in the proposed rule by the additional conditions of entry for papayas from Costa Rica.

## 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. Although approval of the proposed rule has negligible direct impacts on the environment, it does provide additional greater control over potential risks of injurious plant pests, particularly Medfly from Costa Rica. The proposed rule does increase risk to the extent that there will be greater import of produce from areas that are infested with South American fruit fly and Medfly, but this increased risk is offset by the required regulatory treatments and by the actions required when thresholds for fruit fly populations are reached.

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 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. Reference**

U.S. Department of Agriculture, Animal and Plant Health Inspection Service, 1995. Proposed rule for the importation of fruits and vegetables. May 1995. Riverdale, MD.

## **VI. Listing of Agencies, Organizations, and Individuals Consulted**

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**Finding of No Significant Impact  
for  
Proposed Rule for Importation of Papayas from Brazil and Costa Rica  
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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 fresh papayas grown at approved locations in Brazil and Costa Rica 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 added 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 enhanced 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 papayas 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 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.”

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 tomatoes from France, Morocco, Western Sahara, Chile, and Spain may be enforced as a part of the phytosanitary regulations.

