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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 94-042-2]

True Potato Seed From Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are allowing, under certain conditions, the importation of true potato seed from Chile. The true potato seed imported from Chile under this rule will originate from certified virus-free plantlets from the United States, be produced under the supervision of Chilean plant protection authorities, and be tested for seedborne viruses prior to being offered for entry into the United States. Allowing the importation of true potato seed from Chile will give potato producers in the United States another means of producing disease-free tubers.

EFFECTIVE DATE: March 20, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Peter M. Grosser or Mr. Frank E. Cooper, Senior Operations Officers, Port Operations, Plant Protection and Quarantine, APHIS, USDA, P.O. Drawer 810, Riverdale, MD 20738. The telephone number for the agency contact will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during February. Telephone: (301) 436-6799 (Hyattsville); (301) 734-6799 (Riverdale).

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 319 prohibit or restrict the importation into the United States of certain plants and plant products to prevent the introduction of plant pests. The

regulations contained in "Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products," §§ 319.37 through 319.37-14 (referred to below as the regulations), restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

One of the articles restricted in the regulations is *Solanum* species (spp.) true seed, also known as true potato seed. "*Solanum* spp. true seed" is defined in § 319.37-1 as "seed produced by flowers of *Solanum* capable of germinating and producing new *Solanum* plants, as distinguished from *Solanum* tubers, whole or cut, that are referred to as *Solanum* seeds or seed potatoes."

On September 9, 1994, we published in the **Federal Register** (59 FR 46572-46574, Docket No. 94-042-1) a proposed rule to allow, under certain conditions, the importation of true potato seed from Chile. We proposed that the true potato seed imported from Chile would have to originate from certified virus-free plantlets from the United States, be produced in the country's Tenth (X) Region under the supervision of Chilean plant protection authorities, and be tested for seedborne viruses prior to being offered for entry into the United States.

We solicited comments concerning our proposal for a 30-day comment period ending October 11, 1994. We received 31 comments by that date, from State universities and university extension services; plant researchers and geneticists; potato breeders, growers, and marketers; State agriculture departments; seed companies; an agronomist; a member of the U.S. House of Representatives; and the Chilean government trade bureau. Twenty one of the commenters supported the proposed rule as written, 8 commenters supported the proposed rule but suggested changes, and 2 commenters were opposed to the proposed rule. The suggested changes and the comments of those opposed to the proposal are discussed below.

Comment: Although the disease is already present in the United States, the regulations should include safeguards to prevent the introduction of potato spindle tuber viroid (PSTV), which is transmitted by true potato seed.

Response: As discussed in the proposed rule, the plants that would

produce the true potato seed would originate from plantlets from the United States that have been tested for viruses (including PSTV) and certified virus-free. Additionally, PSTV is not known to exist in the X Region, and, because the X Region is a quarantined area for potatoes, the entry of potato seeds, true seed, plants, and tubers is restricted in order to prevent the introduction of PSTV and other potato pests or diseases. Therefore, we believe that it is unlikely that the true potato seed would introduce PSTV into the United States and have made no changes in this final rule as a result of that comment.

Comment: The growing season inspection discussed in the proposed rule should be conducted within six weeks of harvest to maximize the ability to detect infected plant material. Surveys conducted earlier in the growing season might not detect infected plants.

Response: Diseases with visible symptoms would likely be more easily recognized later in the growing season, but the viruses for which the plants, tubers, and true potato seed will be tested may be asymptomatic in potatoes. The testing protocol presented by Chile's ministry of agriculture, the Servicio Agrícola y Ganadero (SAG), and accepted by the Animal and Plant Health Inspection Service (APHIS) calls for plant samples to be collected for testing between 30 days after planting up to the flowering phase. APHIS agrees with that time frame because we believe that the most accurate testing results would be obtained from samples gathered during the active phase of the plants' growth. We have, therefore, made no changes in this final rule as a result of that comment.

Comment: Our literature indicates that potato smut occurs in parts of Chile. If that disease is present in the X Region, it could be carried with the true potato seed as a contaminant.

Response: Potato smut is not reported to occur in the X Region and, as mentioned above, there are quarantine measures in place to prevent its introduction into the region. Because we believe that it is unlikely that potato smut would be carried into the United States as a contaminant on the true potato seed from Chile, we have made no changes in this final rule based on that comment.