

Comment: For the sake of clarity, APHIS should specify "*Solanum tuberosum*," rather than the more general "*Solanum* spp.," when referring to the potato species from which the true potato seed may be derived.

Response: We agree that using "*Solanum tuberosum*" instead of the more general "*Solanum* spp." would be clearer. We have, therefore, changed the regulatory text of this final rule to refer to the potato species from which the true potato seed may be derived as "*Solanum tuberosum*."

Comment: Specifically requiring that the nitro-cellulose membrane (NCM) enzyme-linked immunosorbent assay (ELISA) be used to test for the viruses of concern leaves no room for the use of other tests that are also recommended by the International Potato Center. Other ELISA tests, as well as the nucleic acid spot hybridization (NASH) non-reagent test, should be allowed.

Response: In the testing protocol presented by SAG and accepted by APHIS, the NCM ELISA test was specified as the method that would be used to test for the viruses of concern. We recognize, however, that the other tests recommended by the International Potato Center are equally accurate and could be used to test for the viruses of concern without compromising the integrity of the testing program in any way. Therefore, we have changed the regulatory text of this final rule to allow the use of other ELISA tests and the NASH non-reagent test for the purposes of testing the tubers, plants, and true potato seed for the viruses of concern.

Comment: With regard to the sample sizes specified in proposed paragraph § 319.37-5(h)(iii), the sampling rate should be 500 tubers and 500 plantlets per hectare (2.5 acres) rather than per 30 acres in order to detect 1 percent contamination with a 99 percent confidence level. The sampling level for the true potato seed should be made according to International Potato Center's guidelines for laboratory tests.

Response: The 500/500/500 sampling rate discussed in the proposed rule for the testing of plants, tubers, and true potato seed actually should, as pointed out by the commenter, be 500/500/500 per hectare, and not per 30-acre field as stated in the proposed rule. We have changed the regulatory text in this final rule to correct that error. With regard to the sampling to the true potato seed, the testing protocol presented by SAG and accepted by APHIS dictated that the true potato seed would be sampled at the same rate as the plants and tubers in order to detect 1 percent contamination with a 99 percent confidence level. It is the contamination

level/confidence level equation that is of the greatest importance to APHIS; if SAG would prefer to establish a different sampling procedure for true potato seed that could detect the same level of contamination with the same level of confidence, APHIS is willing to review the new sampling procedure and, if warranted, publish a proposal in the **Federal Register** to add the procedure to the regulations.

Comment: APHIS should recognize Chile's VIII and IX regions as also being free from the four viruses of concern and allow the importation of true potato seed from those regions as well. Once such recognition has been established, APHIS should allow the use of parental material from those regions to produce the true potato seed and eliminate the requirement for the pre-export inspection and testing of true potato seed from the VIII, IX, and X regions of Chile.

Response: APHIS is open to working with SAG to expand the range of areas in Chile from which true potato seed may be imported into the United States; similarly, we are open to relaxing or eliminating inspection or testing requirements as circumstances warrant. However, we must first be able to establish that such actions would not result in an increased risk of plant pest introduction or dissemination in the United States. Once adequate protocols had been established and agreed upon, we could publish a proposal in the **Federal Register** to add any new areas or inspection requirements to the regulations. We cannot, however, make any such changes in this final rule.

Comment: The proposed requirement to test at three levels (plantlet, tuber, and true potato seed) for Andean Potato Latent Virus (APLV), Arracacha Virus B (AVB), and the Andean Potato Calico Strain of Tobacco Ringspot Virus (TRV-Ca) is unnecessarily stringent because there is no evidence to confirm that any of the three viruses can be transmitted by true potato seed under natural conditions. Additionally, the International Potato Center has analyzed true potato seed from the Peruvian Andean area—where AVB and TRV-Ca have been found to exist—and from the Center's own germplasm stock for a continued term of 8 years and has never found any of the three viruses in the true potato seed tested.

Response: The testing protocol presented by SAG and accepted by APHIS prescribed that plants, tubers, and true potato seed would all be tested for the viruses of concern. If alternative testing protocols are presented by SAG, and APHIS determines that they would not result in an increased risk of plant

pest introduction or dissemination in the United States, we could publish a proposal in the **Federal Register** to relax or replace the requirement to test all three levels (plants, tubers, and true potato seed) for all viruses of concern.

Comment: The proposed criteria of sampling to detect 1 percent contamination at a 99 percent confidence level is not adequate for quarantine purposes. Zero tolerance is the desired goal of quarantine, and anything less creates an unacceptable level of risk that is not in the best interest of the potato industry. Under ideal conditions, most quarantines only delay the spread of regulated pests. The potato industry does not need to face the threat of diseases not currently in the United States.

Response: If "zero tolerance" for pest risk was the standard applied to international trade in agricultural commodities, it is quite likely that no country would ever be able to export a commodity to any other country. There will always be some degree of pest risk associated with the movement of agricultural products; APHIS' goal is to reduce that risk to an insignificant level. In the case of true potato seed from Chile, we believe factors such as the low incidence of disease transmission by seeds and the absence of potato viruses in the seed production area, as well as the origin, certification, and testing requirements contained in this final rule, reduce the pest risk associated with its importation to an acceptable level.

Comment: The proposed rule contains a requirement for SAG to provide certain phytosanitary certifications. Before further consideration is given to the proposal, a formal review of the SAG's phytosanitary certification program should be conducted by U.S. officials to determine whether SAG can in fact provide reliable and credible certification.

Response: APHIS has a longstanding working relationship with SAG, and we are fully confident in their ability to provide reliable and credible phytosanitary certification for Chile's agriculture products, including true potato seed.

Comment: Potato producers in the United States do not need another means of producing disease-free tubers, especially if that means would not provide a genetically pure potato variety. True potato seed is already produced in the United States and is available to domestic potato research personnel and the seed potato industry. If there is a need for additional true potato seed, it could be produced in the United States.