

Rules and Regulations

Federal Register

Vol. 60, No. 91

Thursday, May 11, 1995

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 110

[SD-94-001]

RIN 0581-AB22

Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides

AGENCY: Agricultural Marketing Service (AMS).

ACTION: Final rule; delay of effective date.

SUMMARY: The Agricultural Marketing Service (AMS), United States Department of Agriculture, is delaying the effective date of a final rule previously published in the **Federal Register** on February 10, 1995, which amended the regulations at 7 CFR Part 110 governing recordkeeping of federally restricted use pesticides by certified applicators. This action delays the rule's effective date from May 11, 1995, to August 1, 1995.

EFFECTIVE DATE: The effective date of the regulation published on February 10, 1995, amending 7 CFR Part 110, is August 1, 1995.

FOR FURTHER INFORMATION CONTACT: Bonnie Poli, Chief, Pesticide Records Branch, Science Division, AMS, 8700 Centreville Road, Suite 200, Manassas, VA 22110, 703-330-7826.

SUPPLEMENTARY INFORMATION:

Background

As part of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 136i-1), Congress mandated the establishment by the Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency, of requirements for recordkeeping by all certified

applicators of federally restricted use pesticides.

The regulations at 7 CFR part 110, "Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides," (hereinafter referred to as the regulations) require certified pesticide applicators to maintain records of federally restricted use pesticide applications for a period of 2 years. The regulations also provide for access to pesticide records or record information by federal or state officials, or by licensed health care professionals when needed to treat an individual who may have been exposed to restricted use pesticides, and penalties for enforcement of the recordkeeping and access provisions.

On April 6, 1994, AMS published a document in the **Federal Register** (59 FR 16400-16403) proposing to amend the recordkeeping regulations for federally restricted use pesticides. The final regulations revise the definitions of the terms "medical emergency" and "licensed health care professional," provide new requirements for recording location of "spot applications" of federally restricted use pesticides, reduce the time period for a certified applicator to make a record of the application of a federally restricted use pesticide, clarify the circumstances under which licensed health care professionals may obtain, utilize, and release restricted use pesticide records or record information, and clarify the penalty provisions in the regulations. The final rule was published on February 10, 1995, (60 FR 8118-8124). The effective date of the final rule that was published on February 10, 1995 was May 11, 1995.

Since the publication of the final rule, AMS has received a number of comments from agricultural organizations expressing concern that the May 11, 1995, effective date did not allow certified applicators adequate time to be informed of the new requirements or make changes in existing recordkeeping procedures. The May 11, 1995, effective date also comes at the peak of spring planting season for many private certified applicators, the majority of whom are farmers. Based on these comments and re-evaluation of the timing of the effective date, AMS has determined that additional time is appropriate for the final regulations to become effective. The additional time

will provide AMS adequate time to inform certified applicators of the new pesticide recordkeeping requirements and will reduce the burden on certified applicators to make changes in recordkeeping procedures during the peak of the spring planting season.

Therefore, the Effective Date of the final rule that was published February 10, 1995, (60 FR 8118-8124), is delayed from May 11, 1995 to August 1, 1995.

Dated: May 8, 1995.

William J. Franks, Jr.,

Director, Science Division.

[FR Doc. 95-11656 Filed 5-10-95; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Parts 92 and 98

[Docket No. 94-110-2]

Limited Ports; Denver, CO

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations concerning importation of animals and animal germ plasm by removing Denver, CO, from the list of limited ports of entry for animals and animal products that do not require restraint or holding facilities. The port has handled few importations and no longer has the personnel required to effectively provide inspection services for this location.

EFFECTIVE DATE: June 1, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. David Vogt, Senior Staff Veterinarian, Import/Export Products, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road, Unit 39, Riverdale, MD 20737-1231; (301) 734-8172.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR parts 92 and 98 (referred to below as the regulations) restrict the importation of specified animals, animal products, and animal germ plasm into the United States to prevent the introduction of various animal diseases. The regulations designate limited ports of entry for germ plasm and certain animals and animal products, such as test specimens, that

do not require restraint or holding facilities. Sections 92.102(d), 92.203(d), 92.303(d), 92.403(e), 92.503(e), and 98.33(d) of the regulations list the limited ports having inspection facilities for the importation of certain birds, poultry and poultry products, horses and horse products, ruminants and ruminant products, swine and swine products, and germ plasm, respectively.

On February 7, 1995, we published in the **Federal Register** (60 FR 7137-7138, Docket No. 94-110-1), a proposal to amend §§ 92.102(d), 92.203(d), 92.303(d), 92.403(e), 92.503(e), and 98.33(d) of the regulations by removing Denver, CO, from the list of limited ports of entry for animals and animal products that do not require restraint or holding facilities.

We solicited comments concerning our proposal for 60 days ending April 10, 1995. We did not receive any comments. The facts presented in the proposed rule still provide the basis for this final rule.

Therefore, based on the rationale set forth in the proposed rule, we are adopting the provisions of the proposal as a final rule without change. Executive Order 12866 and Regulatory Flexibility Act.

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

Only certain animals and animal products from Canada and germ plasm have been imported into Denver, CO, during the past several years. Therefore, we believe that the primary impact of this final rule will be on importers of those animals and animal products from Canada and importers of animal germ plasm. These importers will no longer be able to import these articles through the Stapleton International Airport, which is located in Denver, CO.

However, there have been few shipments of animals, animal products, or germ plasm imported through Denver, CO, during the past year. After removing Denver, CO, as a limited port of entry, there are still many ports throughout the United States that will remain available as alternate ports, including over 20 limited ports. Because of the reasons provided above, we believe that removing Denver, CO, from the lists of limited ports will have little if any economic impact on importers or other entities, large or small. We do not anticipate any change in the volume or number of shipments of animals, animal products, or germ plasm entering the United States, or in the number of persons importing them, due to removing Denver, CO, as a limited port.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects

9 CFR Part 92

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

9 CFR Part 98

Animal diseases, Imports.

Accordingly, 9 CFR parts 92 and 98 are amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 92.102 [Amended]

2. In § 92.102, paragraph (d) is amended by removing "Denver, CO;"

§§ 92.203, 92.303, 92.403, and 92.503 [Amended]

3. Sections 92.203, 92.303, 92.403, and 92.503 are amended by removing the words "Denver, Colorado;" in the following places:

- (a) In § 92.203, paragraph (d);
- (b) In § 92.303, paragraph (d);
- (c) In § 92.403, paragraph (e); and
- (d) In § 92.503, paragraph (e).

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

4. The authority citation for part 98 continues to read as follows:

Authority: 7 U.S.C. 1622; 21 U.S.C. 103, 104, 105, 111, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

§ 98.33 [Amended]

5. In § 98.33, paragraph (d) is amended by removing the words "Denver, Colorado;"

Done in Washington, DC, this 3rd day of May 1995.

George O. Winegar,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-11562 Filed 5-10-95; 8:45 am]

BILLING CODE 3410-34-P

9 CFR Part 94

[Docket No. 94-137-2]

Change in Disease Status of Spain Because of Swine Vesicular Disease

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are declaring Spain free of swine vesicular disease. As part of this action, we are adding Spain to the list of countries that, although declared free of swine vesicular disease, are subject to restrictions on pork and pork products offered for importation into the United States. There have been no outbreaks of swine vesicular disease in Spain since April 1993. This rule relieves certain prohibitions and restrictions on the importation of swine and fresh, chilled, and frozen meat of swine into the United States from Spain. However, because African swine fever continues to exist in Spain, certain pork and pork products will continue to be prohibited. **EFFECTIVE DATE:** May 26, 1995.

FOR FURTHER INFORMATION CONTACT: Dr. John Blackwell, Senior Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, Suite 3B05, 4700 River Road Unit 38, Riverdale, MD 20737-1231, (301) 734-7834.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 94 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products in order to prevent the introduction into the United States of