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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

[Docket No. 98–110–2]

RIN 0579–AB11

#### Importation of Gypsy Moth Host Material From Canada

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are adopting as a final rule, with minor changes discussed in this document, an interim rule that established regulations for the importation into the United States of gypsy moth host materials from Canada due to infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. The rule requires trees without roots (*e.g.*, Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment to meet specified certification or destination requirements if they are intended to be moved into or through areas of the United States that are not infested with gypsy moth. This action is necessary to prevent the introduction of gypsy moth into noninfested areas of the United States.

**EFFECTIVE DATE:** June 20, 2000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Coanne O'Hern, Operations Officer, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

**SUPPLEMENTARY INFORMATION:**

### Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a destructive pest of forest and shade trees. The Animal and Plant Health Inspection Service (APHIS) has regulated the interstate movement of gypsy moth host materials from areas of the United States that are generally infested with gypsy moth through its domestic quarantine notices (see 7 CFR 301.45 through 301.45–12), but had not, until the publication of an August 23, 1999, interim rule, established specific regulations in our foreign quarantine notices regarding the importation into the United States of gypsy moth host materials from foreign countries.

In an interim rule effective and published in the **Federal Register** on August 23, 1999 (64 FR 45860–45868, Docket No. 98–110–1), we established a new “Subpart—Gypsy Moth Host Material from Canada” (§§ 319.77–1 through 319.77–5) in 7 CFR part 319 to restrict the importation of gypsy moth host materials from Canada. This action was necessary to prevent the introduction of gypsy moth into noninfested areas of the United States.

We solicited comments concerning the interim rule for 60 days ending October 22, 1999. We received two comments by that date. They were from a State government and a foreign government. We have carefully considered these comments. They are discussed below, by topic.

#### *Self-Certification of Outdoor Household Articles*

One commenter expressed concern over the provision for self-certification of outdoor household articles (OHA's) moving from infested areas in Canada into the United States. The commenter asserted that self-certification will not provide an adequate level of protection against the introduction of gypsy moth into the United States because the average person will not know what a gypsy moth egg mass or other life stage looks like and, therefore, cannot be expected to certify an OHA as pest free.

APHIS has published a pamphlet called “Don't Move Gypsy Moth,” which is updated regularly and is given to mover associations and national moving companies for distribution to households and individuals moving from gypsy moth infested areas to noninfested areas. The pamphlet contains color photographs of all gypsy

moth lifestages and provides detailed information on gypsy moth and the damage it causes. Included in the pamphlet is a checklist of OHA's to inspect for possible gypsy moth infestation.

APHIS realizes that there are additional needs for the gypsy moth awareness campaign and is in the process of determining what types of information should be made available to the public. In the meantime, we are distributing the “Don't Move Gypsy Moth” pamphlet to persons crossing the U.S.-Canada border, and are inspecting OHA's that have not been self-certified and spot-checking self-certifications.

Another commenter requested a phase-in period for the self-certification of OHA's. The commenter stated that a phase-in period would allow for the notification of moving companies, brokers, the business sector, and others and would, therefore, facilitate compliance with the regulations.

APHIS recognized the need to allow time for notifying moving companies, brokers, the business sector, and others of the self-certification requirements of our rule. Between the effective date of the interim rule (August 23, 1999) and January 1, 2000, persons arriving at the U.S.-Canada border with OHA's that were not self-certified were not turned away or penalized in any way. Instead, we used the opportunity to educate movers and individual travelers on the new self-certification requirements in order to facilitate future compliance. In addition, as noted above, we conduct spot checks to ensure self-certifications are accurate.

#### *Logs and Pulpwood From Infested Areas*

One commenter suggested that APHIS should impose stricter requirements on the importation of logs or pulpwood without bark if they are from a Canadian infested area and have been stored outside for any length of time, especially during egg laying season.

Gypsy moth typically seek the shelter of the secluded recesses of the outer bark of logs, pulpwood, and trees to lay their eggs. Freshly debarked logs and pulpwood are smooth and are not likely to be used by gypsy moth as sites to lay their egg masses because they do not provide the degree of protection for egg masses that bark does.

The interim rule did not create any new restrictions on the movement of logs and pulpwood without bark

because logs and pulpwood are not typically debarked until just before they are to be processed or milled, thereby almost completely eliminating the possibility that logs and pulpwood without bark will become suitable host material for gypsy moth. Further, in most cases, logs that are debarked for processing are typically stored in water baths between removal of the bark and processing to ensure that they do not dry out and become less suitable for milling and processing. As stated in our interim rule, we believe the existing restrictions on the movement of logs and pulpwood with bark are adequate to ensure that logs and pulpwood from Canadian infested areas will not disseminate gypsy moth into noninfested areas of the United States.

#### *Movement of Regulated Articles Through Certain Noninfested Areas*

One commenter stated that, in our domestic gypsy moth regulations, a small portion of the State of Maine is identified as free from gypsy moth. The commenter further stated that, for many years, the U.S. Department of Agriculture (USDA) has allowed Christmas trees, logs, and pulpwood from Canadian infested areas to move through this region to infested areas of the United States without certificates. The commenter stated that this arrangement allowed the uninterrupted movement of these articles from infested areas of Canada to infested areas of the United States and requested that we continue to allow for the uncertified movement of Christmas trees, logs, and pulpwood through this area of Maine into infested areas of the United States.

Currently, there is an area comprising the northern third of Maine that is not infested with gypsy moth. This area spans parts of the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset. The commenter is correct in stating that, for many years, we have allowed Christmas trees, logs, and pulpwood to move through this area from infested areas of Canada to infested areas of the United States. APHIS conducts regular gypsy moth trapping surveys in the gypsy moth-free area, and surveys over the last several years have shown little expansion of the infested area.

We believe that shipments of Christmas trees, logs, and pulpwood from infested areas in Canada that transit noninfested areas in Maine en route to infested areas in the United States present a minimal risk of introducing gypsy moth into noninfested areas of the United States because transit distances are typically short and follow routes with low

prevalence of gypsy moth host material. Also, gypsy moth egg masses that may be present in such shipments are not likely to be dislodged in transit because gypsy moths typically lay their eggs in sheltered areas of the bark of trees.

We are, therefore, adding an exception to the regulations to provide that Christmas trees, logs, and pulpwood from gypsy moth infested areas in Canada may transit the gypsy moth free area that makes up the northern part of Maine en route to a gypsy moth infested area in the United States without a phytosanitary certificate. We are taking this action because we have determined that allowing shipments of Christmas trees, logs, and pulpwood to pass through that noninfested area in Maine without a certificate does not present a significant risk of introducing gypsy moth into that noninfested area of Maine.

#### *Listing of Infested Areas*

One commenter also noted that the description of areas in Canada identified as infested by gypsy moth in the interim rule differs from descriptions maintained by the Government of Canada. The commenter asked that we amend the description of areas published in the interim rule to conform with Canada's descriptions.

We have reviewed the descriptions of infested areas maintained by Canada and agree that our descriptions should be changed to bring them into conformity with Canada's descriptions, which provide more detail. By taking this action, we are relieving restrictions on the movement of regulated articles from parts of counties in Canada that are not infested with gypsy moth that we had incorrectly identified as infested areas in our interim rule. The revised list of Canadian infested areas is set out fully in § 319.77-3 of the rule portion of this document.

#### *Certificates of Origin*

One commenter asked if the "certificate of origin" required by the interim rule for each shipment of commercial wood products from noninfested areas of Canada moving to noninfested areas of the United States is a separate document or if it may be information written on shipping documents.

"Certificate of origin" is defined in the regulations as a document issued by an official authorized by the national government of Canada that states the area in which a regulated article was produced or grown and includes any other required additional declarations. In developing the interim rule, we chose to require a "certificate of origin" to

ensure that APHIS inspectors could clearly and confidently determine the origin of commercial wood products entering the United States from Canada. Upon further consideration, we believe that shipments of commercial wood products from noninfested areas of Canada need only be accompanied by an accurate certification statement providing where regulated articles were produced or grown. This final rule will allow such a statement to be attached to, or included on, the shipping documents accompanying commercial wood products from Canada.

#### *Nonsubstantive Changes*

We also have made a minor, nonsubstantive change by correcting the numbering of two paragraphs in § 319.77-4.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule, with the changes discussed in this document.

#### **Effective Date**

Pursuant to the administrative procedure provisions in 5 U.S.C. 553, we find good cause for making this rule effective less than 30 days after publication in the **Federal Register**. The interim rule that we are adopting in this document as a final rule, with minor changes, was effective on August 23, 1999. This final rule: (1) Makes minor changes to the description of the Canadian infested areas described in the interim rule, resulting in a decrease in their size; (2) provides that certain regulated articles may be moved from Canadian infested areas through an area in Maine that is not infested with gypsy moth to infested areas of the United States without a certificate; and (3) provides that a certification statement attached to, or included on, shipping documents may be used instead of a "certificate of origin" for commercial wood products. These changes will relieve restrictions that we no longer find necessary and, therefore, should be made effective immediately. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication in the **Federal Register**.

#### **Executive Order 12866 and Regulatory Flexibility Act**

This final rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with 5 U.S.C. 604, we have prepared a final regulatory flexibility analysis, which is set out below, regarding the effects of this rule on small entities. The discussion also serves as a cost-benefit analysis. Based on the information we have, there is no basis to conclude that this rule will result in any significant economic effects on a substantial number of small entities.

This rule regulates the importation of gypsy moth host materials into the United States from Canada due to infestations of gypsy moth in the Provinces of British Columbia, New Brunswick, Nova Scotia, Ontario, and Quebec. This rule requires regulated articles—trees without roots (*e.g.*, Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment—to meet certain certification or destination requirements if they are to be moved from Canada into or through

areas of the United States that are not infested with gypsy moth.

In our interim rule, we solicited comments on the potential effects of this action on small entities. In particular, we sought data and other information to determine the number and kinds of small entities that may incur benefits or costs from the implementation of the interim rule. We received no comments on the interim rule's initial regulatory flexibility analysis.

The United States engages in a great deal of trade in live trees, live plants, and rough wood. In 1998, the United States imported approximately \$231 million worth of the type of nursery products covered by this rule and exported approximately \$160 million worth of those products. In that same year, U.S. imports of rough wood, including logs, pulpwood, and wood chips, were worth approximately \$141 million, while exports were worth approximately \$1.8 billion.

Canada is the major source of U.S. imports of live trees, live plants, and rough wood. In 1998, Canada accounted

for more than 80 percent of U.S. imports of live trees and plants and for nearly 90 percent of U.S. imports of rough wood. The Canadian provinces affected by this rule account for the vast majority of Canadian exports of live trees, live plants, and rough wood to the United States, as shown in the table below. All figures in the table are rounded to the first decimal place. Therefore, "0.0" represents imports valued at \$50,000 or less. Also, for certain commodities, slight discrepancies exist between the sum of the individual province columns and the "Total for Canada" column because of differences in the data published by Statistics Canada and the U.S. Department of Commerce. It is also important to note that these values represent imports from each province, whereas the infested areas are smaller areas contained within the provinces. Thus, the values listed are conservatively high estimates provided to put into perspective the volume of potential host materials moving across the border.

1998 U.S. IMPORTS OF LIVE TREES, LIVE PLANTS, AND ROUGH WOOD  
[In millions of U.S. dollars]

Export good	Canadian provinces with infested areas					Canadian noninfested areas							Total U.S. imports	
	British Columbia	New Brunswick	Nova Scotia	Ontario	Quebec	Alberta	Manitoba	Newfoundland	Northwest Territories	Prince Edward Island	Saskatchewan	Yukon	Total for Canada	Total for World
60220 .....	0.3	.....	2.3	7.1	1.7	0.0	.....	.....	.....	0.3	.....	.....	11.5	12.2
60230 .....	0.2	0.0	.....	2.2	.....	.....	.....	.....	.....	.....	.....	.....	2.4	2.4
60290 .....	22.5	10.4	0.8	97.4	4.7	0.2	0.4	.....	.....	0.3	0.0	.....	132.9	162.2
60491 .....	2.5	14.0	7.6	1.4	16.6	0.8	.....	0.0	.....	0.0	0.0	.....	40.6	54.6
440110 .....	1.4	.....	.....	1.9	0.3	0.0	.....	.....	.....	.....	.....	.....	3.5	3.9
440121 .....	20.6	0.0	.....	0.8	0.4	.....	0.0	.....	.....	.....	.....	.....	21.8	24.2
440122 .....	3.0	.....	.....	2.0	0.1	.....	.....	.....	.....	.....	.....	.....	5.0	5.5
440320 .....	44.7	8.9	1.7	5.6	1.6	5.5	0.0	.....	0.1	0.1	0.6	.....	66.8	73.9
440341 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0.0
440349 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0.6
440391 .....	.....	0.0	.....	0.7	0.0	.....	.....	.....	.....	.....	.....	.....	0.7	1.6
440392 .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	0.0	0.2
440399 .....	1.0	3.2	0.7	23.3	1.6	0.0	0.4	.....	.....	.....	0.1	.....	29.0	31.0

**Notes:** The six digit numbers in the "Export Good" column denote the harmonized system for classifying commodities in trade. These digits represent classes of live trees, live plants, and rough wood. The commodities included under each number are as follows:

- 60220, edible fruit or nut trees, shrubs, and bushes
  - 60230, rhododendrons and azaleas, grafted or not
  - 60290, live plants, cuttings, and slips that are not elsewhere specified
  - 60491, foliage, branches, etc., and Christmas trees
  - 440110, fuel wood (in logs, billets, twigs, etc.)
  - 440121, wood in chips or particles, coniferous
  - 440122, wood in chips or particles, nonconiferous
  - 440320, coniferous wood in the rough, not treated
  - 440341, light/dark meranti and meranti bakau in the rough
  - 440349, other tropical wood in the rough, with or without bark (or roughly squared) and not treated
  - 440391, oak wood in the rough, not treated
  - 440392, beech wood in the rough, not treated
  - 440399, nonconiferous wood in the rough, not treated, that is not elsewhere specified
- The symbol "—" means that no imports occurred.

Given the destructive potential of gypsy moth, as well as the vast forest resources in the United States, it is likely that the further spread of that pest in the United States as a result of the unrestricted movement of gypsy moth host material from infested areas in Canada would negatively affect the United States. The likely negative effects would include growth loss in timber; fewer visitors and loss of revenues in recreation areas; costs of

increased Federal, State, and local government control activities against gypsy moth; and costs to landowners.

Over the 5 years preceding the interim rule, APHIS alone spent more than \$30 million on gypsy moth control, eradication, regulatory, and survey activities. In fiscal year 1998, State and local government agencies in Oregon, Utah, and Washington, which are noninfested States, spent more than \$1 million to eradicate gypsy moth

infestations to prevent this pest from becoming established in those States.

**Entities Affected**

As a result of this rule, trees without roots (*e.g.*, Christmas trees), trees with roots, and shrubs with roots and persistent woody stems (unless greenhouse-grown throughout the year) that are being moved from Canadian infested areas into or through U.S.

noninfested areas<sup>1</sup> must be accompanied by a Canadian phytosanitary certificate that includes an additional declaration confirming that the trees or shrubs have been inspected and found free of gypsy moth or treated in accordance with the regulations. If the trees or shrubs are being moved from a Canadian noninfested area into or through a U.S. noninfested area, they must be accompanied by a certification of origin stating where the trees were produced or grown in Canada. This rule also requires logs and pulpwood with bark attached that are being moved from Canadian infested areas into or through U.S. noninfested areas to be: (1) Accompanied by a Canadian phytosanitary certificate that includes an additional declaration confirming that the logs and pulpwood have been inspected and found free of gypsy moth or have been treated;<sup>2</sup> or (2) destined for a specified U.S. processing plant or mill that is operating under a compliance agreement with APHIS for specified handling or processing.

Therefore, this rule will affect entities engaged in the international movement of regulated articles from Canada into the United States. The restrictions primarily affect those entities that move trees without roots (*e.g.*, Christmas trees), trees with roots, shrubs with roots and persistent woody stems, logs and pulpwood with bark attached, outdoor household articles, and mobile homes and their associated equipment from Canadian infested areas into or through U.S. noninfested areas. However, because of this rule's certification of origin requirement, entities moving regulated articles into or through U.S. noninfested areas from noninfested areas of Canada are also affected to a limited extent.

This rule requires the issuance of some new phytosanitary certificates, but we expect that it will be a relatively small number. This is because all trees with roots and shrubs with roots and persistent woody stems imported from Canada into the United States are already required to obtain a Canadian phytosanitary certificate under the regulations at 7 CFR 319.37. This rule simply requires an additional

declaration to that certificate, not a new certificate, for those products moving from a Canadian infested area to a U.S. noninfested area. Likewise, trees without roots (*e.g.*, Christmas trees), logs with bark attached, and pulpwood with bark attached that are imported from Canada do not need a phytosanitary certificate if they are either: (1) Moved from a Canadian noninfested area to a U.S. noninfested area; (2) moved from a Canadian noninfested area to a U.S. infested area; (3) moved from a Canadian infested area to a U.S. infested area; or (4) moved from any area of Canada to a specified U.S. processing plant or mill operating under a compliance agreement with APHIS for specified handling or processing. The only commodities that will need a Canadian phytosanitary certificate under this rule are trees without roots, logs with bark attached, and pulpwood with bark attached that are moving from a Canadian infested area to a U.S. noninfested area and that are not destined for a specified U.S. processing plant or mill under compliance agreement with APHIS for specified handling or processing.

The information we have concerning the costs of Canadian phytosanitary certificates is for greenhouse products. Canadian phytosanitary certificates for greenhouse products require processing time, in addition to an inspection cost of \$15 to \$30, and a \$5 fee per shipment (shown in Canadian dollars; these amounts are equivalent to \$10, \$20, and \$3.26, respectively, in U.S. dollars). We expect phytosanitary certificates issued for the products affected by this rule to have similar costs. We estimate that, as a result of this rule, 100 shipments per year will require Canadian phytosanitary certificates, resulting in total inspection costs averaging approximately \$2,326 (U.S. dollars) per year. However, we do not have information on the number and size of entities in Canada and the United States that will be affected by this rule.

This rule also requires the issuance of certifications of origin. The certification of origin is a new requirement for regulated articles moving from Canadian noninfested areas to U.S. noninfested areas. The certification of origin must state where the articles were produced or grown. Since the certifications can be made by exporters themselves, this requirement will not result in any additional costs.

This rule also requires individual and commercial movers of outdoor household articles, including recreational vehicles and mobile homes and their associated equipment moving from infested areas of Canada into

noninfested areas of the United States to provide a statement signed by the owner that the articles have been inspected and found free of gypsy moth. The use of self-inspections should minimize the costs associated with the importation of these items. Most individual homeowners who reside in areas of the United States quarantined because of gypsy moth and who move their own articles currently choose to self-inspect and issue the signed statement for the movement of their outdoor household articles. This process takes a few minutes for each item and involves no monetary cost unless treatment is necessary. For commercial movers, self-issuing documents could help avoid the costs of delays, but could still result in costs associated with time, salary, and recordkeeping for the self-inspections.

When inspection reveals the presence of gypsy moth, the individual in possession of the infested articles must either return the articles to their place of origin, treat them, or destroy them. Loads of trees without roots (*e.g.*, Christmas trees), trees with roots, shrubs with roots and persistent woody stems, or logs would be an expensive loss if destroyed, which would occur if the shipper decided against the alternatives (*i.e.*, return to Canada or treatment). Fumigation is one treatment alternative, but another—manually spraying caterpillars and scraping egg masses—is a less costly treatment alternative. Either treatment is usually done by qualified, certified applicators. In applications in the United States, fumigation costs average between \$100 to \$150 per shipment. Manual treatment would be considerably less expensive. We do not know at the current time how many entities will be affected by these treatment requirements.

Other costs of implementing this rule involve border crossings. This rule will add time to border crossings because it will be necessary to ascertain whether a recreational vehicle or mobile home is coming from an area of Canada known to be infested with gypsy moth or an area free of gypsy moth. There are no data on the number of recreational vehicles and mobile homes crossing the border from Victoria, British Columbia, or from other infested areas of Canada. When primary U.S. Customs Service and Immigration and Naturalization Service inspectors question the origin of all recreational vehicles and mobile homes crossing into the United States and distribute information on gypsy moth to their owners, only a few seconds will be added to each border crossing. However, with potentially several thousand daily crossings of recreational vehicles from all areas of

<sup>1</sup> Except articles being moved through gypsy moth free areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset in Maine. Regulated articles are allowed to transit these areas en route to infested areas in the United States without phytosanitary certificates.

<sup>2</sup> Logs and pulpwood with bark attached may transit noninfested areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset in the State of Maine en route to infested areas in the United States without phytosanitary certificates.

Canada at peak times, this added time could result in some delays. Some of the recreational vehicles and mobile homes originating in Canadian infested areas, as well as those owners who are unsure of origin and others at the discretion of the primary inspectors, will be sent to secondary inspection, where APHIS inspectors will ensure that owners understand the need to inspect their recreational vehicles and mobile homes for the presence of gypsy moth. Depending on the number of recreational vehicles and mobile homes sent to secondary inspections, there may be a need for additional staff at border crossings.

The inspection and certification requirements of this rule are expected to cause a slight increase in the costs of business for a limited number of affected entities, but the overall effect on price and competitiveness is expected to be relatively insignificant. Additionally, we believe that any increase in costs experienced by entities as a result of this rule will be very small when compared to the benefits. The benefits of this rule include the avoidance of Federal, State, and local government costs and damages to forest resources resulting from a widespread gypsy moth outbreak in noninfested areas of the United States.

#### Alternatives Considered

The alternative to the interim rule (as amended by this final rule) that we considered was to make no changes in the regulations, instead relying on border inspections and the Canadian gypsy moth program to prevent the entry of gypsy moth into noninfested areas of the United States from infested areas of Canada. We rejected this alternative after determining that these measures would likely prove to be an inadequate response to the risk posed by gypsy moth host material entering the United States from Canada.

This rule contains information collection requirements, which have been approved by the Office of Management and Budget (see "Paperwork Reduction Act" below).

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget (OMB) under OMB control number 0579-0142.

#### List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery stock, Plant diseases

and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, the interim rule amending 7 CFR part 319 which was published at 64 FR 45860-45868 on August 23, 1999, is adopted as a final rule with the following changes:

#### PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 continues to read as follows:

**Authority:** 7 U.S.C. 150dd, 150ee, 150ff, 151-167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 319.77-1, the definition for "Certificate of origin" is removed, and a definition for "Certification of origin" is added to read as follows.

##### § 319.77-1 Definitions

\* \* \* \* \*

*Certification of origin.* A signed, accurate statement certifying the area in which a regulated article was produced or grown. The statement may be provided directly on the shipping documents accompanying shipments of commercial wood products from Canada, or may be provided on a separate certificate.

\* \* \* \* \*

3. Section 319.77-3 is revised to read as follows:

##### § 319.77-3 Gypsy moth infested areas in Canada.

The following areas in Canada are known to be infested with gypsy moth:

(a) *Province of British Columbia.* (1) That portion of the Highlands Land District within 1 kilometer of the intersection of Willis Point Road and Mark Lane; and

(2) That portion of the Highlands Land District within 1 kilometer of the intersection of Burkin Drive and Munns Road; and

(3) That portion of Quamichaan Land District within 1 kilometer of the intersection of Sherman Road and Grieve Road; and

(4) That portion of Lake Land District within 1 kilometer of the intersection of West Burnside Road and Helmeken Road.

(b) *Province of New Brunswick.* (1) *Charlotte County.* That portion of Charlotte County that includes the following parishes: Campobello Island, Dumbarton, Dufferin, Grand Manan Island, St. Andrews, St. Croix, St. David, St. George, St. James, St. Patrick, and St. Stephen.

(2) *Kings County.* That portion of Kings County that includes the

following parishes: Greenwich, Kars, and Springfield.

(3) *Queens County.* (i) That portion of Queens County that includes the following parishes: Canning, Cambridge, Gagetown, Johnston, and Wickham; and

(ii) That portion of Chipman Parish south or west of highway 10; and

(iii) That portion of Waterborough Parish west of highway 10 and south of highway 2.

(4) *Sunbury County.* That portion of Sunbury County that includes the following parishes: Blissville, Burton, Gladstone, Lincoln, and Sheffield.

(5) *York County.* (i) That portion of York County that includes the City of Fredericton and the following parishes: North Lake and McAdam; and

(ii) That portion of Queensbury parish south and east of the Scotch Lake Road beginning in the west at Bear Island on the St. John River and ending at the Parish border on the east.

(c) *Province of Nova Scotia.* (1) *Annapolis County.* The entire county.

(2) *Digby County.* The entire county.

(3) *Halifax County.* The area of the county bounded by a line beginning at the intersection of the Halifax/Lunenburg County border and the Atlantic Ocean; then north along the Halifax/Lunenburg County border to the Halifax/Hants County border; then east along the Halifax/Hants County border to route 354; then south along route 354 to route 568 (Beaverbank-Windsor Junction Road); then east along route 568 (Beaverbank-Windsor Junction Road) to route 416 (Fall River Road); then east and north along route 416 (Fall River Road) to route 2; then south along route 2 to route 102/118; then south along route 118 to route 107; then south along route 107 to route 7; then east along route 7 to route 328; then south along route 328 to the shoreline of Cole Harbour; then west along the seashore from Cole Harbour to the point of beginning.

(4) *Hants County.* The area of the county bounded by a line beginning at the intersection of the Hants/Kings County border and the shoreline of the Minas Basin; then southwest along the Hants/Kings County border to the Hants/Lunenburg County border; then southeast along the Hants/Lunenburg County border to the Hants/Halifax County border; then east along the Hants/Halifax County border to route 354; then north along route 354 to the Minas Basin; then west along the shoreline of the Minas Basin to the point of beginning.

(5) *Kings County.* The entire county.

(6) *Lunenburg County.* The entire county.

(7) *Queens County.* The entire county.

(8) *Shelburne County*. The entire county.

(9) *Yarmouth County*. The entire county.

(d) *Province of Ontario*. (1) That portion of the Province of Ontario that includes the following counties and regional municipalities: Brant, Bruce, Dufferin, Durham, Elgin, Essex, Frontenac, Grey, Haldimand-Norfolk, Haliburton, Halton, Hamilton-Wentworth, Hastings, Huron, Kent, Lambton, Lanark, Leeds-Granville, Lennox-Addington, Middlesex, Muskoka, Niagara, Northumberland, Ottawa-Carleton, Oxford, Parry Sound, Peel, Perth, Peterborough, Prescott-Russell, Prince Edward, Renfrew, Simcoe, Stormont-Dundas-Glengarry, Victoria, Waterloo, Wellington, and York; and

(2) That portion of Algoma District that includes the City of Sault Ste. Marie and the following townships: Bright, Bright Additional, Cobden, Denis, Garden River First Nation, Indian Reserve #7, Johnson, Korah, Laird, Lefroy, Lewis, Long, MacDonald, Parke, Plummer Additional, Prince, Tarbutt, Tarbutt Additional, Tarentorus, Thessalon, Thompson, Shedden, Sprague, and Striker; and

(3) That portion of Algoma District south of Highway 17 and east of the City of Sault Ste. Marie; and

(4) That portion of Manitoulin District that includes: Cockburn Island, Great Cloche Island, Manitoulin Island, St. Joseph Island, and all Indian Reserves; and

(5) That portion of Nipissing District that includes the City of North Bay; and

(6) That portion of Nipissing District south of the Ottawa and Mattawa rivers; and

(7) That portion of Nipissing District south of highway 17 and west of the City of North Bay; and

(8) That portion of Sudbury District that includes the City of Sudbury and the townships of Baldwin, Dryden, Dunlop, Graham, Hallam, Hymen, Indian Reserves #4, #5, and #6, Lorne, Louise, May, McKim, Nairn, Neelon, Porter, Salter, Shakespeare, Victoria, and Waters; and

(9) That portion of the Sudbury District south of Highway 17.

(e) *Province of Quebec*. (1) That portion of the Province of Quebec that includes the following regional county municipalities: Acton, Arthabaska, Asbestos, Beauce-Sartigan, Beauharnois-Salaberry, Becancour, Bellechasse, Brome-Missisquoi, Champlain, Coaticook, Communaute Urbaine de Montreal, Communaute Urbaine de L'Outaouais, D'Autray, Desjardins, Deux-Montagnes, Drummond,

Francheville, Joliette, L'Amiante, L'Assomption, L'Erable, L'ile-d'Orleans, Lajemmerais, Laval, La Nouvelle-Beauce, La Riviere-du-Nord, La Vallee-du-Richelieu, Le Bas-Richelieu, Le Granit, Le Haut-Richelieu, Le Haut-Saint-Francois, Le Haut-Saint-Laurent, Le Haute-Yamaska, Le Val-Saint-Francois, Les Chutes-de-la-Chaudire, Les Collines-de-L'Outaouais, Les Etchemins, Les Jardins-de-Napierville, Les Maskoutains, Les Moulins, Lotbiniere, Memphremagog, Mirabel, Montcalm, Montmagny, Nicolet-Yamaska, Robert-Cliche, Roussillon, Rouville, Sherbrooke, Therese-de-Blainville, and Vaudreuil-Soulanges; and

(2) That portion of the regional county municipality of Antoine-Labelle that includes the following municipalities: Notre-Dame-du-Laus, Notre-Dame-de-Pontmain, and Saint-Aime-du-Lac-des-Iles; and

(3) That portion of the regional county municipality of Argenteuil that includes the following municipalities: Brownsburg, Calumet, Carillon, Chatham, Grenville, Lachute, Saint-Andre-d'Argenteuil, and Saint-Andre-Est; and

(4) That portion of the regional county municipality of Communaute Urbaine De Quebec that includes the following municipalities: Cap-Rouge, L'Ancienne-Lorette, Quebec, Saint-Augustin-de-Desmaures, Sainte-Foy, Sillery, and Vanier; and

(5) That portion of the regional county municipality of La Vallee-de-la-Gatineau that includes the following municipalities: Denholm, Gracefield, Kazabazua, Lac-Sainte-Marie, Low, Northfield, and Wright; and

(6) That portion of the regional county municipality of Le Centre-de-la-Mauricie that includes the following municipalities: Charette, Notre-Dame-du-Mont-Carmel, Sainte-Elie, Shawinigan, and Shawinigan (Sud); and

(7) That portion of the regional county municipality of Les Laurentides that includes the following municipality: La Conception; and

(8) That portion of the regional county municipality of Les Pays-d'en-Haut that includes the following municipality: Mont-Rolland; and

(9) That portion of the regional county municipality of Maskinonge that includes the following municipalities: Louiseville, Maskinonge, Saint-Joseph-de-Maskinonge, Saint-Barnabe, Saint-Severe, Saint-Leon-le-Grand, Saint-Paulin, Sainte-Ursule, Saint-Justin, Saint-Edouard-de-Maskinonge, Sainte-Angele-de-Premont, and Yamachiche; and

(10) That portion of the regional county municipality of Matawinie that includes the following municipalities: Saint-Felix-de-Valois, Saint-Jean-de-Matha, Rawdon, and Chertsey; and

(11) That portion of the regional county municipality of Papineau that includes the following municipalities: Fasset, Lochaber, Lochaber-Partie-Ouest, Mayo, Montebello, Montpellier, Mulgrave-et-Derry, Notre-Dame-de-Bon-Secours-Partie-Nord, Papineauville, Plaisance, Ripon (Village et Canton), Saint-Andre-Avellin (Village et Paroisse), Sainte-Angelique, Saint-Sixte, and Thurso; and

(12) That portion of the regional county municipality of Pontiac that includes the following municipalities: Bristol, Shawville, Clarendon, Portage-du-Fort, Bryson, Campbell's Bay, Grand-Calumet, Litchfield, Thorne, Alleyn-et-Cawood, Leslie-Clapham-et-Huddersfield, Fort-Coulonge, Mansfield-et-Pontefract, Waltham-et-Bryson, L'Isle-aux-Allumettes-Partie-Est, Chapeau, L'Isle-aux-Allumettes, Chichester, Sheen-Esher-Aberdeen-et-Malakoff, and Rapides-des-Joachims; and

(13) That portion of the regional county municipality of Portneuf that includes the following municipalities: Cap-Sante, Deschambault, Donnacona, Grondines, Neuville, and Pointe-aux-Trembles.

4. Section 319.77-4 is amended as follows:

a. By revising the introductory text of paragraph (a) and paragraph (a)(1).

b. In paragraph (a)(2)(ii), by removing the word "certificate" and adding the word "certification" in its place.

c. By revising the heading for paragraph (b), paragraph (b)(1), and footnote 2.

d. In paragraph (b)(2)(ii), by removing the word "certificate" and adding the word "certification" in its place.

**§ 319.77-4 Conditions for the importation of regulated articles.**

(a) *Trees and shrubs*.<sup>1</sup> (1) Trees without roots (e.g., Christmas trees), trees with roots, and shrubs with roots and persistent woody stems may be imported into the United States from any area of Canada without restriction under this subpart if they:

(i) Were greenhouse-grown throughout the year;

(ii) Are destined for a U.S. infested area and will not be moved through any U.S. noninfested areas; or

<sup>1</sup> Trees and shrubs from Canada that are capable of propagation may be subject to additional restrictions under "Subpart—Nursery Stock, Plants, Roots, Seeds, and Other Plant Products" (§§ 319.37 through 319.37-14 of this part).

(iii) Are Christmas trees destined for a U.S. infested area and will not be moved through any U.S. noninfested areas other than noninfested areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset, ME (*i.e.*, areas in those counties that are not listed in 7 CFR 301.45–3).

\* \* \* \* \*

(b) Logs and pulpwood with bark attached.<sup>2</sup> (1) Logs or pulpwood with bark attached that are destined for a U.S. infested area and that will not be moved through any U.S. noninfested area other than noninfested areas in the counties of Aroostock, Franklin, Oxford, Piscataquis, Penobscot, and Somerset, ME (*i.e.*, areas in those counties that are not listed in 7 CFR 301.45–3) may be imported from any area of Canada without restriction under this subpart.

\* \* \* \* \*

Done in Washington, DC, this 14th day of June 2000.

**Richard L. Dunkle,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 00–15470 Filed 6–19–00; 8:45 am]

BILLING CODE 3410–34–U

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 93, 98, and 130

[Docket No. 98–013–2]

#### Hawaii Animal Import Center

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** We are amending the regulations by removing Honolulu, HI, from the lists of animal import centers and ports of entry that provide U.S. Department of Agriculture quarantine facilities for animals, birds, and poultry imported into the United States. We are also amending the regulations by adding Honolulu, HI, as a limited port for the importation of animals, birds, poultry, poultry products, and animal germ plasm that do not require U.S. Department of Agriculture quarantine facilities. These actions will update the regulations to reflect the June 1997 closure of the Hawaii Animal Import Center.

**EFFECTIVE DATE:** July 20, 2000.

<sup>2</sup> Logs from Canada are also subject to restrictions under “Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles” (§§ 319.40 through 319.40–11 of this part).

**FOR FURTHER INFORMATION CONTACT:** Dr. Gary Colgrove, Chief Staff Veterinarian, Import/Export Animals, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737–1231; (301) 734–3276.

#### SUPPLEMENTARY INFORMATION:

##### Background

The regulations in 9 CFR parts 93 and 98 restrict the importation of specified animals and animal products into the United States to prevent the introduction of communicable diseases of livestock and poultry. The regulations designate animal import centers and ports of entry for the importation of certain animals, birds, poultry, poultry products, and animal germ plasm that require inspection or quarantine services.

The regulations in 9 CFR part 130 set forth the user fees that are assessed to reimburse the Animal and Plant Health Inspection Service for the cost of import-and export-related services provided at animal import centers and ports of entry.

On March 9, 2000, we published in the **Federal Register** (65 FR 12486–12488, Docket No. 98–013–1) a proposal to amend the regulations by removing Honolulu, HI, from the lists of animal import centers and ports of entry that provide quarantine services. In addition, we proposed to amend part 130 by removing all references to the animal import center in Honolulu, HI. We also proposed to amend the regulations in part 93 by adding Honolulu, HI, as a limited port for the importation of animals, birds, poultry, and poultry products that do not require U.S. Department of Agriculture (USDA) quarantine facilities. We further proposed to amend the regulations in part 98 by adding Honolulu, HI, as a limited port for the importation of animal semen. (Section 98.6 provides that embryos may be imported only at a port of entry listed in § 93.303 for horses, § 93.403 for ruminants, and § 93.503 for swine. Under the proposal, embryos could be imported through Honolulu, HI, because it would be listed in those sections as a limited port.) We also proposed minor, nonsubstantive changes to part 93.

We solicited comments concerning our proposal for 60 days ending May 8, 2000. We did not receive any comments. Therefore, for the reasons given in the proposed rule, we are adopting the proposed rule as a final rule, without change.

##### Miscellaneous

In § 93.308, paragraph (a)(2) lists the regions that we consider affected with

African horse sickness as: All the regions on the continent of Africa, except Morocco; Oman; Saudi Arabia; and the Yemen Arab Republic. For clarity, we are rewording the list to read: Oman, Saudi Arabia, the Yemen Arab Republic, and all the regions on the continent of Africa except Morocco.

##### 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.

This rule will amend the regulations in 9 CFR parts 93, 98, and 130 by removing Honolulu, HI, from the lists of animal import centers and ports of entry that provide USDA quarantine facilities for animals, birds, and poultry imported into the United States. These changes are necessary to reflect the closure of the facility known as the Hawaii Animal Import Center (HAIC). However, we will add Honolulu, HI, as a limited port for the importation of animals, birds, poultry, poultry products, and animal germ plasm that do not require USDA quarantine facilities.

The removal of Honolulu, HI, from the lists of animal import centers is primarily an editorial change following the previously announced closure of the HAIC. That closure primarily affected U.S. importers of animals, birds, and poultry that required quarantine services. After HAIC closed, those importers could no longer import these items into the United States through Honolulu, HI. However, prior to the closure of the HAIC, the number of animals, birds, and poultry imported through and quarantined at the port of Honolulu, HI, was low compared to the number imported through other animal import centers located in Miami, FL, and Newburgh, NY. For instance, in fiscal year 1997, the HAIC provided inspection and quarantine services for 40 animals and birds. However, in fiscal year 1997, the animal import center in Miami, FL, provided inspection and quarantine services for over 1,500 animals and birds; and the animal import center located in Newburgh, NY, provided services for over 4,000 animals from January 1, 1997, to December 31, 1997.

Based on the availability of the remaining animal import centers and ports of entry and the low level of use prior to closure of the HAIC, we believe that removing Honolulu, HI, from the lists of animal import centers and ports of entry that provide USDA quarantine facilities for animals, birds, and poultry imported into the United States will not