

# Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS–2018–0034]

#### Environmental Impact Statement; Movement of Certain Genetically Engineered Organisms: Record of Decision

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

**ACTION:** Notice.

**SUMMARY:** This notice advises the public of the Animal and Plant Health Inspection Service's record of decision for the final environmental impact statement titled "Revisions to USDA–APHIS 7 CFR part 340 Regulations Governing the Importation, Interstate Movement, and Environmental Release of Certain Genetically Engineered Organisms."

**DATES:** An official of the Animal and Plant Health Inspection Service–Biotechnology Regulatory Services signed the record of decision on March 19, 2021.

**ADDRESSES:** You may read the final environmental impact statement and record of decision in our reading room. The reading room is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming. The record of decision, final environmental impact statement, and supporting information may also be viewed on the *Regulations.gov* website. To obtain copies of the documents, contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** For information on the movement of genetically engineered organisms,

contact Mrs. Chessa Huff-Woodard, Esq., Branch Chief of Policy, Program, and International Collaboration, BRS, APHIS, 4700 River Road, Riverdale, MD 20737; (301) 851–3943. For questions related to the environmental impact statement, contact Ms. Joanne Serrels, Biological Scientist, ERAS, PPD, APHIS, 4700 River Road, Riverdale, MD 20737; (301) 851–3867.

**SUPPLEMENTARY INFORMATION:** On June 29, 2018, the Animal and Plant Health Inspection Service (APHIS) published a notice of intent (NOI)<sup>1</sup> in the **Federal Register** (83 FR 30688–30689, Docket No. APHIS–2018–0034) to prepare a programmatic environmental impact statement (PEIS). The NOI solicited public comment to help define the issues to be considered in the PEIS and scope of alternatives to consider in revision of the biotechnology regulations in 7 CFR part 340.

The comment period on the NOI ended on July 30, 2018. At the close of this comment period APHIS had received 35 submissions from the public. The submissions were from individuals from academic organizations, professional organizations, trade groups, commodity groups, industry, non-governmental organizations, federally recognized Tribes, and unspecified individuals.

On June 6, 2019, APHIS published a proposed rule<sup>2</sup> in the **Federal Register** (84 FR 26514–26541, Docket No. APHIS–2018–0034) that entailed a comprehensive revision of the regulations in part 340. Along with the proposed rule, a draft PEIS and other supporting documents were published for public review and comment. The proposed rule and the draft PEIS were made available to the public both on the *Regulations.gov* website and on APHIS' website. The comment period for both documents closed on August 5, 2019. APHIS received a total of 6,151 public submissions. The commenters on the proposed rule and draft PEIS fell into the same categories as did those on the NOI.

<sup>1</sup> To view the NOI and the comments we received, go to *www.regulations.gov*, and enter APHIS–2018–0034 in the Search field.

<sup>2</sup> To view the proposed rule the comments we received, and the supporting documents, go to *www.regulations.gov* and enter APHIS–2018–0034 in the Search field.

After reviewing the comments, APHIS then published a final rule<sup>3</sup> in the **Federal Register** on May 18, 2020 (85 FR 29790–29838, Docket No. APHIS–2018–0034). Along with the final rule and other supporting documents, APHIS published a final PEIS. Public comments we received on the NOI are summarized in Appendix 2 of the final PEIS, along with APHIS' responses. Public comments that we received on the June 2019 proposed rule that specifically addressed the draft PEIS are summarized in Appendix 3 of the final PEIS, along with APHIS' responses.

On May 8, 2020, the Environmental Protection Agency published a notice<sup>4</sup> in the **Federal Register** (85 FR 27412–27413, Docket No. ER–FRL–9050–7) announcing the availability of the final PEIS to the public. Additionally, APHIS posted the final PEIS on its website on May 14, 2020. On May 22, 2020 the Environmental Protection Agency published a second notice<sup>5</sup> in the **Federal Register** (85 FR 31182–31183, Docket No. ER–FRL–9050–9) extending the review period for the PEIS until June 22, 2020.

The National Environmental Policy Act (NEPA) implementing regulations in 40 CFR 1506.11(b)(2) require a minimum 30-day waiting period between the time a final EIS is published and the time an agency makes a decision on an action covered by the EIS. We received one comment during the waiting period. APHIS has reviewed the final EIS and concluded that it fully analyzes the issues covered by the draft EIS and addresses the comment and suggestions submitted by the commenter. This notice advises the public that the waiting period has elapsed, and APHIS has issued a record of decision (ROD) to implement the preferred alternative described in the final EIS.

The ROD has been prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*); (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508); (3) USDA regulations implementing NEPA (7 CFR part 1b);

<sup>3</sup> To view the final rule, go to *www.regulations.gov* and enter APHIS–2018–0034 in the Search field.

<sup>4</sup> To view the notice, go to *www.regulations.gov* and enter ER–FRL–9050–7 in the Search field.

<sup>5</sup> To view the notice, go to *www.regulations.gov* and enter ER–FRL–9050–9 in the Search field.

and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Done in Washington, DC, this 31st day of March 2021.

**Michael Watson,**

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

[FR Doc. 2021-06978 Filed 4-2-21; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. APHIS-2018-0068]

#### Importation of *Dianthus* spp. From Kenya

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

**ACTION:** Notice.

**SUMMARY:** We are notifying the public that we are updating the U.S. Department of Agriculture Plants for Planting Manual to allow the importation of *Dianthus* spp. cuttings from Kenya without postentry quarantine, subject to certain conditions. We are taking this action in response to a request from this country and after determining that the cuttings can be imported, under certain conditions, without resulting in the introduction into, or the dissemination within, the United States of a plant pest.

**DATES:** The changes to the entry conditions will be applicable on April 5, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lydia E. Colón, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737-1236; (301) 851-2302.

#### SUPPLEMENTARY INFORMATION:

##### Background

Under the regulations in "Subpart H—Plants for Planting" (7 CFR 319.37–1 through 319.37–23, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) prohibits or restricts the importation of plants for planting (including living plants, plant parts, seeds, and plant cuttings) to prevent the introduction of quarantine pests into the United States. *Quarantine pest* is defined in § 319.37–2 as a plant pest or noxious weed that is of potential economic importance to the United States and not yet present in the United States, or present but not widely distributed and being officially controlled. In accordance with § 319.37–

20, APHIS may impose quarantines and other restrictions on the importation of specific types of plants for planting. These restrictions are listed in the USDA Plants for Planting Manual.<sup>1</sup>

In a final rule<sup>2</sup> published in the **Federal Register** on March 19, 2018 (83 FR 11845–11867, Docket No. APHIS–2008–0011), and effective on April 18, 2018, we amended the regulations so that restrictions on the importation of certain types of plants for planting would be included in the USDA Plants for Planting Manual instead of the regulations, meaning that changes to specific restrictions on plants for planting are no longer made through rulemaking. Under § 319.37–20, if APHIS determines it is necessary to add, change, or remove restrictions on the importation of a specific type of plant for planting, we will publish in the **Federal Register** a notice that announces the proposed change and invites public comment.

On May 9, 2019, we published in the **Federal Register** (84 FR 20323–20324, Docket No. APHIS–2018–0068) a notice<sup>3</sup> in which we proposed to make changes to the import requirements in the USDA Plants for Planting Manual for imports of *Dianthus* spp. (carnation) cuttings from Kenya by allowing the cuttings to be imported into the United States without postentry quarantine, subject to certain conditions outlined in a commodity import evaluation document (CIED).

We solicited comments on the notice for 60 days ending on July 8, 2019. We received six unique comments by that date. They were from two horticultural companies, two national trade organizations who issued a joint comment, two State departments of agriculture, and a growers' and landscape association.

The issues raised by the commenters are addressed below.

Two commenters asked that the risk management measures include trapping for lepidopteran pests using pheromone lures. One of these commenters expressed particular concern about the pests *Helicoverpa armigera*, *Agrotis segetum*, and *Spodoptera littoralis*.

As stated in the CIED, APHIS will require that the *Dianthus* spp. cuttings are grown in a pest-exclusionary

greenhouse that includes safeguards against pests such as insect-proof screening over openings and self-closing double or airlock-type doors. The risk management measures also require that the production sites have monthly inspections for lepidopteran pests for at least four consecutive months immediately prior to export. We are confident that these measures will sufficiently protect the cuttings against lepidopteran pests without the need for pheromone lures, which can attract pests over long distances and have the potential to inadvertently attract more pests to the production site.

One of these commenters also requested that we include two arthropod pests, *Chrysodeixis chalcites* and *Lobesia botrana*, both moths, in our considerations.

Both of these pests are addressed in the CIED. *Chrysodeixis chalcites* is among the pests specifically named in the risk mitigation measure of monthly visual crop inspections for at least four consecutive months immediately prior to export. *Lobesia botrana* is listed in a table of additional *Dianthus* spp. pests present in Kenya, but with a note that *Dianthus* spp. is an exempted host from domestic quarantine regulations within the United States for the movement of *Lobesia botrana* host material as it has been determined not to pose a risk of spreading *Lobesia botrana*. For the sake of consistency with domestic regulations, we did not propose mitigations for *Lobesia botrana* for the importation of *Dianthus* spp. plants for planting from Kenya without postentry quarantine.

The commenter also requested that the risk management measures include inspecting the soil around the plants for *Agrotis segetum*, a moth, and inspecting the stems for boreholes as well as cutting open a percentage of stems to check for *Epichoristodes acerbella*, a moth.

APHIS will emphasize in the operational workplan that visual inspections should include an examination of the soil and an inspection of stems for boreholes. However, because the plant articles in question are cuttings, and therefore not likely to have stems sufficient to support borers, we do not believe stipulating the cutting open of stems to be necessary.

One commenter expressed concern about the importation of *Dianthus* spp. from Kenya introducing strains of *Ralstonia solanacearum*.

*Dianthus* spp. is not known to be a host of *Ralstonia solanacearum*.

<sup>1</sup> [https://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/plants\\_for\\_planting.pdf](https://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/plants_for_planting.pdf).

<sup>2</sup> The proposed and final rules, supporting documents, and comments can be viewed at <https://www.regulations.gov>. Enter APHIS–2008–0011 in the Search field.

<sup>3</sup> To view the notice, supporting documents, and the comments we received, go to <http://www.regulations.gov>, and enter APHIS–2018–0068 in the Search field.