



PLAN DE TRABAJO
PARA LA EXPORTACION
DE PITAHAYA A LOS
ESTADOS UNIDOS DE
AMERICA

WORK PLAN
FOR THE EXPORTATION
OF PITAYA TO THE
UNITED STATES OF
AMERICA



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Tabla de Contenidos

Plan de Trabajo para la exportación de pitahaya
(*Hylocereus* spp.) a Estados Unidos de América 3

- 1. Productos incluidos en el programa
- 2. Certificado Fitosanitario de Exportación
- 3. Organizaciones Participantes
- 4. Acuerdos
- 5. Responsabilidades de los participantes
- 6. Políticas y regulaciones de APHIS
- 7. Certificación Fitosanitaria para la Exportación
- 8. Requisitos del sitio de producción
- 9. Programa de Trampeo
- 10. Requisitos de la Planta Empacadora
- 11. Procedimiento de Cosecha
- 12. Inspección Fitosanitaria
- 13. Acciones Correctivas
- 14. Evaluación y Revisión del Programa
- 15. Anexos

Table of Contents

Work Plan for the exportation of pitaya
(*Hylocereus* spp.) to the United States of America
3

- 1. Products included in the program 4
- 2. Phytosanitary Certificate of Exportation 4
- 3. Participating Organizations 4
- 4. Agreements 4
- 5. Participant responsibilities 5
- 6. Aphid policies and regulations 8
- 7. Phytosanitary Export Certification 9
- 8. Place of production requirements. 9
- 9. Trapping Program 10
- 10. Packinghouse requirements 11
- 11. Harvesting Procedures. 12
- 12. Phytosanitary inspection. 12
- 13. Corrective Actions 12
- 14. Program Review and Evaluation 13
- 15. Annexes 14

Plan de Trabajo para la exportación de pitahaya (*Hylocereus* spp.) a Estados Unidos de América

El presente Plan de Trabajo fue elaborado conjuntamente por la Dirección General de Protección y Sanidad Agropecuaria del Ministerio Agropecuario y Forestal de Nicaragua (DGPSA-MAGFOR) y el Servicio de Inspección Agropecuaria, del Departamento de Agricultura de los Estados Unidos (USDA/APHIS). Este Plan de Trabajo será utilizado como una guía para la certificación y exportación de *Hylocereus* spp. a Estados Unidos de América. No se autorizan cambios en estos lineamientos sin previa autorización por parte de APHIS. Cualquier cambio será documentado por escrito.

Work Plan for the exportation of pitaya (*Hylocereus* spp.) to the United States of America

This Work Plan was developed jointly by the General Department of Protection and Agricultural Health of the Ministry of Agriculture and Forestry (DGPSA-MAGFOR) and the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA/APHIS). This Work Plan will be used as a guide for the certification and exportation of *Hylocereus* spp. to the United States of America. Changes to these guidelines are not authorized unless previous approval is given by APHIS. Any changes will be documented in writing.

Los idiomas oficiales de este Plan de Trabajo serán el inglés y el español.

Por Nicaragua:

Manuel Gutierrez
Director General
DGPSA

Ariel Bucardo
Ministro Agropecuario y Forestal
Testigo de Honor

English and Spanish are the official languages of this Work Plan.

For the United States of America:

Eric Hoffman
Attaché
USDA/APHIS-IS

Phyllis M. Powers
Ambassador of the United States of America
Honorary Witness

1. Productos incluidos en el programa

Pitahaya (*Hylocereus* spp.) para consumo fresco.

1. Products included in the program

Pitaya (*Hylocereus* spp.) for fresh consumption.

2. Certificado Fitosanitario de Exportación

2.1 El Certificado Fitosanitario para pitahaya será otorgado en apego a la regulación 7 CFR 319.56-55 de APHIS y condicionado a la ausencia de plagas cuarentenarias.

Las plagas cuarentenarias incluyen, pero no están limitadas a: *Anastrepha ludens*, *Ceratitis capitata*, *Dysmicoccus neobrevipes* and *Planococcus minor* (Anexo 1).

2. Phytosanitary Certificate of Exportation

2.1 The Phytosanitary Certificate for pitaya will be issued based on the adherence to APHIS regulation 7 CFR 319.56-55 and the absence of quarantine pests

2.2 The quarantine pests include but are not limited to: *Anastrepha ludens*, *Ceratitis capitata*, *Dysmicoccus neobrevipes* and *Planococcus minor* (Annex 1)

3. Organizaciones Participantes

3.1 La Dirección General de Protección y Sanidad Agropecuaria del Ministerio Agropecuario y Forestal en adelante DGPSA.

3.2 El Servicio de Inspección Agropecuario, del Departamento de Agricultura de los Estados Unidos, en adelante APHIS.

3.3 Productores y Empacadores de pitahaya registrados como tales a través de DGPSA.

3. Participating Organizations

3.1 The General Department of Protection and Agricultural Health of the Ministry of Agriculture and Forestry hereafter referred to as DGPSA.

3.2 The Animal and Plant Health Inspection Service, of the United States Department of Agriculture, hereafter referred to as APHIS.

3.3 Producers and Packers of pitaya registered as such through DGPSA.

4. Acuerdos

El Acuerdo de Cumplimiento entre DGPSA y los productores/empacadores rige las responsabilidades técnicas y operacionales del programa de exportación de pitahaya en Nicaragua (Anexo 2).

4. Agreements

The Compliance Agreement between DGPSA and the producers/packers governs the technical and operational responsibilities of the pitaya export program in Nicaragua (Annex 2).

5. Responsabilidades de los participantes

5.1 Es responsabilidad de los productores y empacadores:

5.1.1 Cumplir con los requisitos establecidos en este Plan de Trabajo y con cualquier otra regulación aplicable, de acuerdo a lo establecido en el Acuerdo de Cumplimiento entre DGPSA y los Productores y Empacadores (Anexo 2).

5.1.2 Informar inmediatamente a DGPSA sobre irregularidades en la ejecución de los requisitos del programa y ejecutar oportunamente cualesquiera acciones correctivas.

5.1.3 Informar a DGPSA y a APHIS al menos tres meses antes del inicio de la temporada de exportación.

5.1.4 Llevar a cabo las acciones necesarias para mantener las plantaciones libres o con poblaciones bajas de *Ceratitis capitata* o *Anastrepha ludens*.

Estas medidas incluyen, pero no están limitadas a: establecer un programa de Buenas Prácticas Agrícolas para el control de plagas en las plantaciones, eliminación frutas sobre-maduras y/o no aceptables para la exportación.

5.1.5 Se requiere que los empacadores entreguen a DGPSA el programa semanal de empaque, de manera que los inspectores puedan hacer los arreglos necesarios para las inspecciones.

5.1.6 Se requiere que los productores/empacadores mantengan un mapa con la localización de las plantaciones y trampas para referencia visual durante la inspección oficial.

5.1.7 Mantener un programa de capacitación para el personal acerca de los requisitos de exportación de APHIS que se lleve a cabo como

5. Participant responsibilities

5.1 It is the responsibility of the producers and packers:

5.1.1 To abide by all the requirements established in this Work Plan and any other applicable regulations, as agreed in the Compliance Agreement between DGPSA and the Producers and Packers (Annex 2).

5.1.2 To report immediately to the DGPSA any irregularities in the execution of program requirements and to execute any necessary corrective actions on a timely basis.

5.1.3 To inform the DGPSA and APHIS at least three months before the beginning of the export season.

5.1.4 To take the necessary actions to keep the production sites free or with low populations of *Ceratitis capitata* and *Anastrepha ludens*.

These measures include but are not limited to: establish a Good Agricultural Practices program for pest control in production fields; culling of over-ripen fruits and/or not acceptable for exportation.

5.1.5 Packers are required to provide the DGPSA with a weekly schedule of packing as to allow inspectors to do all the necessary arrangements to program the inspections.

5.1.6 Producers/Packers are required to maintain a map with the production site and trap location for visual reference during official inspections.

5.1.7 Maintain a personnel training program on APHIS export requirements to be carried out at least once during the exportation season.

mínimo una vez durante la temporada de exportación.

5.2 Es responsabilidad de DGPSA:

5.2.1 DGPSA debe proporcionar un plan de trabajo a APHIS en el que se detallen las actividades que la DGPSA, sujeto a la aprobación del APHIS, llevará a cabo para cumplir con los requisitos de esta sección

5.2.2 Aprobar los sitios de producción que estarán enviando pitahaya (*Hylocereus* spp.) a Estados Unidos. (Anexo 4)

5.2.3 Registrar los sitios de producción aprobados antes de que se inicie la exportación. DGPSA deberá adjuntar una lista de los sitios de producción aprobados a este plan de trabajo.

5.2.4 DGPSA debe llevar a cabo inspecciones en las plantas de empaque y supervisar las operaciones de empaque. Al menos dos (2) meses antes de la cosecha y continuando hasta el final de la temporada de envíos, DGPSA debe visitar e inspeccionar los lugares de producción mensualmente para verificar el cumplimiento de los requisitos de esta sección. Si DGPSA considera que una planta de empaque o lugar de producción no está cumpliendo con los requisitos de esta sección, ninguna fruta desde el lugar de producción o de empaque será elegible para exportación a Estados Unidos hasta que APHIS y DGPSA hayan llevado a cabo una investigación y las medidas correctivas adecuadas hayan sido implementadas.

5.2.5 Certificar todos los envíos de pitahaya a Estados Unidos durante y hasta que finalice la temporada de exportación, aportando un oficial de DGPSA que supervise y ejecute todas las acciones requeridas en este Plan de Trabajo y cualquier otra regulación aplicable.

5.2.6 Mantener registros de la localización de

5.2 It is the responsibility of the DGPSA:

5.2.1 The DGPSA must provide a work plan to APHIS that details the activities that the DGPSA will, subject to APHIS approval, carry out to meet the requirements of this section.

5.2.2 To approve the production sites that will be shipping pitaya (*Hylocereus* spp.) to the United States. (Annex 4)

5.2.3 To register the approved production sites before the beginning of exports. DGPSA must attach a list of the approved production sites to this work plan.

5.2.4 The DGPSA must conduct inspections at the packinghouses and monitor Packinghouse operations. Starting two (2) months before harvest and continuing until the end of the shipping season, DGPSA must visit and inspect the places of production monthly to verify compliance with the requirements of this section. If the DGPSA finds that a packinghouse or place of production is not complying with the requirements of this section, no fruit from the place of production or packinghouse will be eligible for export to the United States until APHIS and DGPSA have conducted an investigation and appropriate remedial actions have been implemented.

5.2.5 To certify all shipments of pitaya to the United States during and until the end of the export season, by providing a DGPSA officer to supervise and execute all the required actions of this Work Plan and any other applicable regulation.

5.2.6 To maintain the records of trap placement,

trampas, revisiones de las mismas y documentar cualquier captura de Mosca del Mediterráneo (<i>Ceratitis capitata</i>) y Mosca Mexicana (<i>Anastrepha ludens</i>). (Anexo 5, 6)	trap review and document any captures of Mediterranean Fruit fly (<i>Ceratitis capitata</i>) and Mexican fruit fly (<i>Anastrepha ludens</i>). (Annex 5, 6)
5.2.7 Mantener un programa de control de calidad aprobado por APHIS para supervisar o auditar el programa de trámpeo.	5.2.7 To maintain an APHIS approved quality control program to supervise or audit the trapping program.
5.2.8 Asegurar que las responsabilidades de todos los productores.empacadores sean llevadas a cabo adecuadamente de acuerdo con este Plan de Trabajo y tomar las acciones apropiadas según se requiera.	5.2.8 To ensure that the responsibilities of all of the producers/packers are properly carried out in accordance to this Work Plan and take the appropriate actions as required.
5.2.9 Suministrar los fondos necesarios mediante el Acuerdo Financiero (Anexo 3) para cubrir los costos de inspección para el personal de APHIS (salario, viáticos, costos administrativos de acuerdo a las necesidades para el monitoreo del programa)	5.2.9 To provide the necessary funds through the Financial Agreement (Annex 3) to cover the expenses for all APHIS inspection activities (salary, travel, accommodations, per diem and overhead expenses as needed for monitoring the program).
5.2.10 Brindar supervisión general y dirección al programa.	5.2.10 To provide general supervision and direction of the program.
5.2.11 Suministrar el recurso humano necesario para llevar a cabo la inspección y certificación de los embarques en las plantas empacadoras, las medidas fitosanitarias en el campo y el control de la mosca de la fruta. Un inspector de DGPSA debe estar presente durante todo el proceso de cosecha, empaque y certificación de las exportaciones.	5.2.11 To provide the necessary human resource to carry out the inspection and certification of shipments at the packing plants, phytosanitary measures in the field and fruit fly control. An inspector from the DGPSA should be present at all times during the process of fruit harvesting, packing and shipment certification.
5.2.12 Servir como contacto oficial de APHIS.	5.2.12 To serve as the official point of contact to APHIS.
5.2.13 Durante la temporada de exportación suministrar reportes semanales de trámpeo, inspección y exportaciones (Anexo 7). DGPSA debe revisar y mantener todos los formularios y documentos relacionados con las actividades del programa de exportación y plantas empacadoras por al menos un año y, en caso de ser solicitados, suministrarlos a APHIS para revisión.	5.2.13 To provide, during the export season, weekly reports on trapping, inspection and exports (Annex 7). The DGPSA must review and maintain all forms and documents related to the export program activities in places of production and packinghouses for at least one year and, as requested, provide them to APHIS for review.
5.2.14 Capacitar al personal de la compañía previo al inicio de la temporada de exportación.	5.2.14 To instruct the company personnel prior to the beginning of the export season.

5.3 Es responsabilidad de APHIS:

5.3.1 Monitorear el proceso de certificación de DGPSA de los sitios de producción para exportación de pitahaya a Estados Unidos.

5.3.2 Supervisar y auditar los sitios de producción y/o plantas empacadoras en cualquier momento durante la temporada de exportación. (Anexo 8)

5.3.3 Aprobar un programa de control de calidad para monitorear o auditar el programa de trámite.

5.3.4 Revisar los datos del programa de trámite en cualquier momento durante la temporada de envíos.

5.3.5 Mantener un plan de trabajo actualizado para el programa en cooperación con DGPSA.

5.3 It is the responsibility of APHIS:

5.3.1 To monitor DGPSA's certification process on the production sites for exportation of pitaya to the United States.

5.3.2 To monitor and audit the production sites and/or packing facilities at any time during the export season. (Annex 8)

5.3.3 To approve a quality control program to monitor or audit the trapping program.

5.3.4 To review the trapping program data at any time during the shipping season.

5.3.5 To maintain an up-to-date work plan for the program in joint cooperation with DGPSA.

6. Políticas y regulaciones de APHIS

La importación de *pitahaya a Estados Unidos* está regulada por Cuarentena de Frutas y Vegetales, 7 CFR 319 [Documento No. APHIS-2010-0113].

6.1 La Organización Nacional de Protección Fitosanitaria (DGPSA) del país exportador debe proporcionar un plan de trabajo a APHIS que detalle las actividades que la DGPSA, sujeto a la aprobación de APHIS, llevará a cabo para cumplir con los requisitos de esta sección. APHIS estará directamente involucrado con la DGPSA en la vigilancia y auditando la implementación del Sistema de Mitigación de Riesgos.

6.2 La DGPSA deberá llevar a cabo inspecciones en las plantas empacadoras y supervisar las operaciones de empaque. Iniciando 2 meses antes de la cosecha y continuando hasta el final de la temporada de envíos, la DGPSA deberá visitar e

6. Aphis policies and regulations

The importation of pitaya to the United States is regulated under the Fruits and Vegetables Quarantine, 7 CFR 319 [Docket No. APHIS-2010-0113].

6.1 The national plant protection organization (DGPSA) of the exporting country must provide a work plan to APHIS that details the activities that the DGPSA will, subject to APHIS approval, carry out to meet the requirements of this section. APHIS will be directly involved with the DGPSA in the monitoring and auditing implementation of the systems approach.

6.2 The DGPSA of the exporting country must conduct inspections at the packinghouses and monitor packinghouse operations. Starting 2 months before harvest and continuing until the end of the shipping season, the DGPSA of the

inspeccionar los lugares de producción mensualmente para verificar el cumplimiento de los requisitos de esta sección. Si la DGPSA determina que la planta empacadora o lugar de producción no cumple con los requisitos de esta sección, ninguna fruta del lugar de producción o empacadora serán elegibles para la exportación a Estados Unidos hasta que APHIS y la DGPSA hayan llevado a cabo una investigación adecuada y acciones correctivas hayan sido implementadas.

6.3 La DGPSA debe revisar y mantener todos los formularios y documentos relacionados con las actividades en los lugares de producción y plantas empacadoras por al menos un (1) año y, conforme a lo solicitado, proporcionarlos a APHIS para su revisión.

exporting country must visit and inspect the places of production monthly to verify compliance with the requirements of this section. If the DGPSA finds that a packinghouse or place of production is not complying with the requirements of this section, no fruit from the place of production or packinghouse will be eligible for export to the United States until APHIS and the DGPSA have conducted an investigation and appropriate remedial actions have been implemented.

The DGPSA must review and maintain all forms and documents related to export program activities in places of production and packinghouses for at least one (1) year and, as requested, provide them to APHIS for review.

7. Certificación Fitosanitaria para la Exportación

La DGPSA será responsable de certificar las exportaciones, la inspección y emisión de certificados fitosanitarios. Cada envío de pitaya tendrá que ir acompañado de un certificado fitosanitario emitido por DGPSA y con la siguiente declaración adicional en el certificado:

"La fruta en este envío se produjo de acuerdo con los requisitos de 7 CFR 319.56-55"

Cada caja para envío debe estar marcada con la identificación del sitio de producción.

8. Requisitos del sitio de producción

8.1 El personal encargado del trámpero requerido en el punto 9.0 de este plan de trabajo debe ser contratado, capacitado y supervisado por la DGPSA. La DGPSA debe certificar que cada lugar de producción tiene un programa efectivo para el trámpero de moscas, y que sigue las directrices de

7. Phytosanitary Export Certification

The DGPSA would be responsible for the export certification, inspection and issuance of phytosanitary certificates. Each shipment of pitaya would have to be accompanied by a phytosanitary certificate issued by DGPSA and bearing the following additional declaration in the certificate:

"The fruit in this consignment was produced in accordance with the requirements in 7 CFR 319.56-55"

Each The shipping box must be labeled with the identity of the production site.

8. Place of production requirements.

8.1 The personnel conducting the trapping required in section 9.0 of this work plan must be hired, trained, and supervised by the DGPSA of the exporting country. The exporting country's DGPSA must certify that each place of production has

control, cuando estas sean necesarias, para reducir las poblaciones de plagas cuarentenarias. APHIS podrá supervisar los lugares de producción

effective fruit fly trapping programs, and follows control guidelines, when necessary, to reduce quarantine pest populations. APHIS may monitor the places of production

8.2 Los lugares de producción de pitahaya para la exportación deben estar registrados con la DGPSA.

8.2 The places of production producing pitaya for export to the United States must be registered with the DGPSA of the exporting country.

8.3 Los árboles y otras estructuras que no sean propias del cultivo deben sombra a los cultivos durante el día. No *C. capitata* o *A. ludens* plantas huéspedes pueden sembrarse a 100 metros de la orilla del área de producción.

8.3 Trees and other structures, other than the crop itself, must not shade the crop during the day. No *C. capitata* or *A. ludens* host plants may be grown within 100 meters of the edge of the production site.

8.4 La fruta de pitahaya que haya caído al suelo debe ser retirada del lugar de producción al menos una vez cada 7 días y no se puede mezclar en cajas de campo o empacar para la exportación.

8.4 Pitaya fruit that has fallen on the ground must be removed from the place of production at least once every 7 days and may not be included in field containers of fruit to be packed for export.

8.5 La fruta cosechada de pitahaya debe colocarse en cajas o contenedores de campo marcados para mostrar el lugar de producción.

8.5 Harvested pitaya fruit must be placed in field cartons or containers that are marked to show the place of production.

9. Programa de Trampeo

9.1 Producción en áreas libres de plagas

9.1.1 Iniciando al menos 1 año antes del inicio de la cosecha y continuando hasta el final de la temporada envíos, un programa de trampeo para *A. ludens* y *C. capitata* debe llevarse a cabo en los lugares de producción de pitahaya; con al menos 1 trampa por hectárea de trampas aprobadas por APHIS, las cuales sean servidas cada 7 días (Anexo 9).

9. Trapping Program

9.1 Pest-free places of production.

9.1.1 Beginning at least 1 year before harvest begins and continuing through the end of the shipping season, trapping for *A. ludens* and *C. capitata* must be conducted in the places of pitaya fruit production with at least 1 trap per hectare of APHIS-approved traps, serviced every 7 days (Annex 9).

9.1.2 A partir de dos (2) meses antes de la cosecha y hasta el final de la temporada de envíos cuando las trampas están siendo servidas, si hay capturas de *A. ludens* o *C. capitata* en un lugar de producción que sobrepase niveles acumulados de 0.07 moscas por trampa por día, se deben aplicar

9.1.2 From two (2) months prior to harvest through the end of the shipping season when traps are serviced, if either *A. ludens* or *C. capitata* are trapped at a particular place of production at cumulative levels above 0.07 flies per trap per day, pesticide bait treatments must be applied in the

pesticidas en el lugar de producción afectado para que este pueda seguir exportando pitahaya a Estados Unidos continentales. Si el promedio de capturas de *A. ludens* o *C. capitata* sobrepasa las 0.07 mocos por trampa por día por más de dos semanas consecutivas, el sitio de producción no podrá exportar hasta que el promedio de capturas sea menor que 0.07 moscas por trampa por semana.

9.1.3 La DGPSA debe mantener los registros de detecciones de mosca de la fura para cada trampa, actualizar los registros cada vez que las trampas son revisadas y asegurarse que estos registros estén disponibles para APHIS cuando sean solicitados. Los registros deben mantenerse, para la revisión de APHIS por al menos un año.

9.2 Área Libre de *C. Capitata*.

9.2.1 Si la pitahaya se produce en un sitio de producción localizado en un área designada libre de *C. capitata* de acuerdo a § 319.56–5, el trámpeo en la sección 9.0 de este plan de trabajo no es requerido para *C. capitata*.

10. Requisitos de la Planta Empacadora

10.1 Las plantas empacadoras deben inscribirse con la DGPSA.

10.2 Todas las aberturas exteriores deben estar cubiertas por malla con aberturas de no más de 1,6 mm o por alguna otra barrera que evite la entrada de plagas a las plantas empacadoras.

10.3 Las plantas empacadoras deben tener puertas dobles en la entrada de las instalaciones y hacia la zona en donde se empaca la pitahaya.

10.4 Las puertas deben tener cerrojos para cuando la planta no se encuentre en uso.

affected place of production in order for the place of production to remain eligible to export pitaya fruit to the continental United States. If the average *A. ludens* or *C. capitata* catch is greater than 0.07 flies per trap per day for more than 2 consecutive weeks, the place of production is ineligible for export until the rate of capture drops to an average of less than 0.07 flies per trap per day.

9.1.3 The DGPSA must maintain records of fruit fly detections for each trap, update the records each time the traps are checked, and make the records available to APHIS upon request. The records must be maintained for at least 1 year for APHIS review.

9.2 Pest-free area for *C. capitata*.

9.2.1 If the pitaya fruit are produced in a place of production located in an area that is designated as free of *C. capitata* in accordance with § 319.56–5, the trapping in section 9.0 of this work plan is not required for *C. capitata*.

10. Packinghouse requirements

10.1 The packinghouses must be registered with the DGPSA of the exporting country.

10.2 All openings to the outside must be covered by screening with openings of not more than 1.6 mm or by some other barrier that prevents pests from entering the packinghouses.

10.3 The packinghouses must have double doors at the entrance to the facilities and at the interior entrance to the area where the pitaya fruit are packed.

10.4 Doors must be lockable for when the packing plant is not in use.

10.5 Mientras que la planta empacadora se encuentre en uso para la exportación de pitahaya a Estados Unidos, esta solamente podrá aceptar pitahaya de sitios de producción registrados y que son producidas de acuerdo a los requisitos de esta sección.

10.6 Durante la temporada de exportación suministrar reportes semanales de trámico, inspección y exportaciones (Anexo 7). DGPSA debe revisar y mantener todos los formularios y documentos relacionados con las actividades del programa de exportación y plantas empacadoras por al menos un año y, en caso de ser solicitados, suministrarlos a APHIS para revisión.

11. Procedimiento de Cosecha

11.1 La pitahaya debe ser empacada en las 24 horas posteriores a la cosecha en una planta libre de plagas. La pitahaya debe empacarse en cajas o apruebarse de insectos o contenedores que puedan ser sellados en la planta empacadora o cubiertos con malla aprueba de insectos o malla plástica para transporte a Estados Unidos. Estas medidas de seguridad deben mantenerse intactas hasta el ingreso a Estados Unidos.

12. Inspección Fitosanitaria

12.1 La DGPSA debe inspeccionar visualmente una muestra biométrica de pitahaya (Anexo 10), de sitios de producción aprobados, para detectar *D. neobrevipes* and *P. minor*, y diseccionar una porción de la muestra para la detección de *A. ludens* y *C. capitata*. Si la fruta es de un área libre de *C. capitata* entonces esta solo debe inspeccionarse para la detección de *A. ludens*.

13. Acciones Correctivas

13.1 La fruta será objeto de inspección en el puerto de entrada para todas las plagas cuarentenarias. Los documentos de embarque que

10.5 While in use for packing pitaya fruit for export to the United States, the packinghouses may only accept pitaya fruit that are from registered places of production and that are produced in accordance with the requirements of this section.

10.6 To provide, during the export season, weekly reports on trapping, inspection and exports (Annex 7). The DGPSA must review and maintain all forms and documents related to the export program activities in places of production and packinghouses for at least one year and, as requested, provide them to APHIS for review.

11. Harvesting Procedures.

11.1 The pitaya fruit must be packed within 24 hours of harvest in a pest-exclusionary packinghouse. Pitaya fruit must be packed in insect-proof cartons or containers that can be sealed at the packinghouse, or covered with insect-proof mesh or a plastic tarpaulin for transport to the United States. These safeguards must be intact upon arrival in the United States.

12. Phytosanitary inspection.

12.1 DGPSA must visually inspect a biometric sample of pitaya fruit (Annex 10), for *D. neobrevipes* and *P. minor*, and cut open a portion of the fruit to detect *A. ludens* and *C. capitata*. If the fruit is from a pest-free area for *C. capitata*, then the fruit will only be inspected for *A. ludens*.

13. Corrective Actions

13.1 The fruit is subject to inspection at the port of entry for all quarantine pests of concern. Shipping documents identifying the place(s) of production

identifican el lugar (s) de producción en la que se produjo el fruto y la planta empacadora (s) en que se procesó la fruta debe acompañar a cada lote de frutos que se presenten para su inspección en el puerto de entrada a Estados Unidos. Esta identificación se debe mantener hasta que la fruta se libere para entrar en Estados Unidos.

13.2 En caso de que se encuentre *D. neobrevipes* o *P. minor* se prohibirá la importación de todo el embarque a Estados Unidos a menos que el envío sea tratado con un tratamiento aprobado supervisado por APHIS. Si los inspectores (ya sea de la DGPSA o en el puerto de ingreso en EU) encuentran una larva de mosca en un envío el cargamento entero será rechazado para importación a Estados Unidos y el sitio de producción para ese embarque será suspendido del programa de exportación hasta que las medidas apropiadas determinadas por la DGPSA y APHIS sean implementadas.

13.3 La fruta de pitahaya solo podrá importarse en embarques comerciales.

in which the fruit was produced and the packing shed(s) in which the fruit was processed must accompany each lot of fruit presented for inspection at the port of entry to the United States. This identification must be maintained until the fruit is released for entry into the United States.

13.2 If *D. neobrevipes* or *P. minor* is found, the entire consignment of fruit will be prohibited from import into the United States unless the shipment is treated with an approved treatment monitored by APHIS. If inspectors (either from the exporting country's DGPSA or at the U.S. port of entry) find a single fruit fly larva in a shipment, they will reject the entire consignment for shipment to the United States, and the place of production for that shipment will be suspended from the export program until appropriate measures, agreed upon by DGPSA and APHIS, have been taken.

13.3 The pitaya fruit may be imported in commercial consignments only.

14. Evaluación y Revisión del Programa

14.1 Las actividades de certificación para pitahaya serán revisadas y evaluadas al menos una vez al año o antes si las condiciones fitosanitarias cambian por parte de la DGPSA y APHIS para garantizar que todos los aspectos de la operación y actividades relacionadas se lleven a cabo en concordancia con los procedimientos y normas aplicables.

14.2 En caso de cualquier evento imprevisto, la DGPSA y APHIS coordinarán las acciones apropiadas y serán propuestas como revisiones al Plan de Trabajo. Sin embargo la actualización de los anexos se podrá llevar a cabo bajo mutuo consentimiento sin una revisión/aprobación formal del plan de trabajo.

14. Program Review and Evaluation

14.1 Pitaya certification activities will be reviewed and evaluated at least once a year or sooner by the DGPSA and APHIS, if phytosanitary conditions change, to ensure that all aspects of the operation and related activities are conducted effectively in accordance with applicable procedures and standards.

14.2 If any unforeseen event arises, DGPSA and APHIS will coordinate appropriate actions and propose them as revisions of the Work Plan. However updating Annexes could be done by mutual agreement without a formal work plan review/approval.

15. Anexos

1. Regulación final
- 1.1 *Plannococcus minor* removido de la lista de plagas cuarentenarias.
2. Acuerdo de Compromiso
3. Acuerdo Financiero
4. Formulario para la certificación de los sitios de producción y plantas empacadoras
5. Formulario de trámite
6. Reporte de trámite mensual
7. Resumen semanal de exportaciones
8. Reporte de Inspección de APHIS
9. Lista de Trampas Aprobadas por APHIS
10. Tabla para determinar muestra biométrica
11. Página de seguimiento a cambios del Plan de Trabajo

15. Annexes

1. Final Regulation
- 1.1 *Plannococcus minor* removed from the quarantine pest list.
2. Compliance Agreement
3. Financial Agreement
4. Production sites and packing plants certification form
5. Trapping Form
6. Monthly Trapping Report
7. Export Weekly Summary
8. APHIS Inspection Report
9. APHIS Approved Traps
10. Table to determine biometric sample
11. Work Plan Change Tracking page

**PART 319—FOREIGN QUARANTINE NOTICES**

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

Authority: 7 U.S.C. 450, 7701–7722, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

§ 319.56–34 [Amended]

- 2. In § 319.56–34, paragraph (f) is amended as follows:
- a. In the paragraph heading, by removing the words “: rates of inspection”.
 - b. By removing the words “200 fruit” and adding in their place the words “a sample of clementines determined by APHIS”.

Done in Washington, DC, this 9th day of April 2012.

Kevin Shea,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2012–9067 Filed 4–13–12; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****7 CFR Part 319**

[Docket No. APHIS–2010–0113]

RIN 0579–AD40

Importation of Fresh Pitaya Fruit From Central America Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the fruits and vegetables regulations to allow the importation of fresh pitaya fruit from Central America into the continental United States. As a condition of entry, the pitaya fruit must be produced in accordance with a systems approach that includes requirements for monitoring and oversight, establishment of pest-free places of production, and procedures for packing the pitaya fruit. This action will allow for the importation of pitaya fruit from Central America into the continental United States while continuing to provide protection against the introduction of plant pests.

DATES: Effective Date: May 16, 2012.

FOR FURTHER INFORMATION CONTACT: Mr. David Lamb, Import Specialist, Regulatory Coordination and Compliance, PPQ, APHIS, 4700 River

Road Unit 133, Riverdale, MD 20737–1236; (301) 851–2103.

SUPPLEMENTARY INFORMATION:**Background**

The regulations in “Subpart—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–54, referred to below as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests within the United States.

On May 24, 2011, we published in the **Federal Register** (76 FR 30036–30040, Docket No. APHIS–2010–0113) a proposal¹ to amend the regulations by allowing fresh pitaya from Central America to be imported into the continental United States. We proposed that, as a condition of entry, the pitaya fruit must be produced in accordance with a systems approach that includes requirements for monitoring and oversight, establishment of pest-free places of production, and procedures for packing the pitaya fruit.

We solicited comments concerning our proposal for 60 days ending July 25, 2011. 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.

Executive Order 12866 and Regulatory Flexibility Act

This final 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 the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the **Regulations.gov** Web site (see footnote 1 for a link to **Regulations.gov**).

This rule will allow the importation of fresh pitaya fruit into the continental United States from the Central American countries of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama in accordance with a systems approach that includes requirements for monitoring and oversight, establishment of pest-free places of production, and procedures for packing the pitaya fruit. Entities potentially affected by the rule are U.S.

pitaya fruit growers, of which most, if not all, are small entities.

Pitaya fruit is produced in Hawaii, California, and Florida, but the quantities produced, numbers of U.S. producers, quantities imported, and other factors needed to assess likely economic effects of this rule are not known. The quantity of pitaya fruit expected to be imported from Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Panama is also unknown. Nicaragua estimates exporting 1,200 metric tons (60 forty-foot containers) of pitaya fruit to the continental U.S. annually, and it is thought that the other countries may ship similar or lesser amounts.

Executive Order 12988

This final rule allows fresh pitaya to be imported into the United States from Central America. State and local laws and regulations regarding pitaya imported under this rule will be preempted while the fruit is in foreign commerce. Fresh fruits and vegetables are generally imported for immediate distribution and sale to the consuming public, and remain in foreign commerce until sold to the ultimate consumer. The question of when foreign commerce ceases in other cases must be addressed on a case-by-case basis. No retroactive effect will be given to this rule, and this rule will not require administrative proceedings before parties may file suit in court challenging this rule.

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 0579–0378.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance with the E-Government Act to promote the use of the Internet and other information technologies, to provide increased opportunities for citizen access to Government information and services, and for other purposes. For information pertinent to E-Government Act compliance related to this rule, please contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

List of Subjects in 7 CFR Part 319

Coffee, Cotton, Fruits, Imports, Logs, Nursery stock, Plant diseases and pests, Quarantine, Reporting and

¹To view the proposed rule and supporting documents, go to <http://www.regulations.gov/#/docketDetail;D=APHIS-2010-0113>.

recordkeeping requirements, Rice, Vegetables.

Accordingly, we are amending 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

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

Authority: 7 U.S.C. 450, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

- 2. A new § 319.56–55 is added to read as follows:

§ 319.56–55 Fresh pitaya from certain Central American countries.

Fresh pitaya fruit (*Hylocereus* spp.) may be imported into the United States from Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama in accordance with the conditions described in this section. These conditions are designed to prevent the introduction of the following quarantine pests: *Anastrepha ludens*, *Ceratitis capitata*, *Dysmicoccus neobrevipes*, and *Planococcus minor*.

(a) *Monitoring and oversight.* (1) The national plant protection organization (NPPO) of the exporting country must provide a workplan to APHIS that details the activities that the NPPO will, subject to APHIS approval, carry out to meet the requirements of this section. APHIS will be directly involved with the NPPO in the monitoring and auditing implementation of the systems approach.

(2) The NPPO of the exporting country must conduct inspections at the packinghouses and monitor packinghouse operations. Starting 2 months before harvest and continuing until the end of the shipping season, the NPPO of the exporting country must visit and inspect the places of production monthly to verify compliance with the requirements of this section. If the NPPO finds that a packinghouse or place of production is not complying with the requirements of this section, no fruit from the place of production or packinghouse will be eligible for export to the United States until APHIS and the NPPO have conducted an investigation and appropriate remedial actions have been implemented.

(3) The NPPO must review and maintain all forms and documents related to export program activities in places of production and packinghouses for at least 1 year and, as requested, provide them to APHIS for review.

(b) *Place of production requirements.* (1) The personnel conducting the trapping required in paragraph (c) of

this section must be hired, trained, and supervised by the NPPO of the exporting country. The exporting country's NPPO must certify that each place of production has effective fruit fly trapping programs, and follows control guidelines, when necessary, to reduce quarantine pest populations. APHIS may monitor the places of production.

(2) The places of production producing pitaya for export to the United States must be registered with the NPPO of the exporting country.

(3) Trees and other structures, other than the crop itself, must not shade the crop during the day. No *C. capitata* or *A. ludens* host plants may be grown within 100 meters of the edge of the production site.

(4) Pitaya fruit that has fallen on the ground must be removed from the place of production at least once every 7 days and may not be included in field containers of fruit to be packed for export.

(5) Harvested pitaya fruit must be placed in field cartons or containers that are marked to show the place of production.

(c) *Mitigation measures for C. capitata and A. ludens—(1) Pest-free places of production.* (i) Beginning at least 1 year before harvest begins and continuing through the end of the shipping season, trapping for *A. ludens* and *C. capitata* must be conducted in the places of pitaya fruit production with at least 1 trap per hectare of APHIS-approved traps, serviced every 7 days.

(ii) From 2 months prior to harvest through the end of the shipping season, when traps are serviced, if either *A. ludens* or *C. capitata* are trapped at a particular place of production at cumulative levels above 0.07 flies per trap per day, pesticide bait treatments must be applied in the affected place of production in order for the place of production to remain eligible to export pitaya fruit to the continental United States. If the average *A. ludens* or *C. capitata* catch is greater than 0.07 flies per trap per day for more than 2 consecutive weeks, the place of production is ineligible for export until the rate of capture drops to an average of less than 0.07 flies per trap per day.

(iii) The NPPO must maintain records of fruit fly detections for each trap, update the records each time the traps are checked, and make the records available to APHIS upon request. The records must be maintained for at least 1 year for APHIS review.

(2) *Pest-free area for C. capitata.* If the pitaya fruit are produced in a place of production located in an area that is designated as free of *C. capitata* in

accordance with § 319.56–5, the trapping in paragraph (c)(1) of this section is not required for *C. capitata*.

(d) *Packinghouse requirements.* (1) The packinghouses must be registered with the NPPO of the exporting country.

(2) All openings to the outside must be covered by screening with openings of not more than 1.6 mm or by some other barrier that prevents pests from entering the packinghouses.

(3) The packinghouses must have double doors at the entrance to the facilities and at the interior entrance to the area where the pitaya fruit are packed.

(4) While in use for packing pitaya fruit for export to the United States, the packinghouses may only accept pitaya fruit that are from registered places of production and that are produced in accordance with the requirements of this section.

(e) *Post-harvest procedures.* The pitaya fruit must be packed within 24 hours of harvest in a pest-exclusionary packinghouse. Pitaya fruit must be packed in insect-proof cartons or containers that can be sealed at the packinghouse, or covered with insect-proof mesh or a plastic tarpaulin for transport to the United States. These safeguards must be intact upon arrival in the United States.

(f) *Phytosanitary inspection.* (1) The NPPO of the exporting country must visually inspect a biometric sample of pitaya fruit, jointly approved by APHIS and the NPPO of the exporting country, for *D. neobrevipes* and *P. minor*, and cut open a portion of the fruit to detect *A. ludens* and *C. capitata*. If the fruit is from a pest-free area for *C. capitata*, then the fruit will only be inspected for *A. ludens*.

(2) The fruit are subject to inspection at the port of entry for all quarantine pests of concern. Shipping documents identifying the place(s) of production in which the fruit was produced and the packing shed(s) in which the fruit was processed must accompany each lot of fruit presented for inspection at the port of entry to the United States. This identification must be maintained until the fruit is released for entry into the United States.

(3) If *D. neobrevipes* or *P. minor* is found, the entire consignment of fruit will be prohibited from import into the United States unless the shipment is treated with an approved treatment monitored by APHIS. If inspectors (either from the exporting country's NPPO or at the U.S. port of entry) find a single fruit fly larva in a shipment, they will reject the entire consignment for shipment to the United States, and the place of production for that

shipment will be suspended from the export program until appropriate measures, agreed upon by the NPPO of the exporting country and APHIS, have been taken.

(g) *Commercial consignments.* The pitaya fruit may be imported in commercial consignments only.

(h) *Phytosanitary certificate.* Each consignment of pitaya fruit must be accompanied by a phytosanitary certificate issued by the NPPO of the exporting country, containing an additional declaration stating that the fruit in the consignment was produced in accordance with requirements in 7 CFR 319.56–55.

(Approved by the Office of Management and Budget under control number 0579-0378)

Done in Washington, DC, this 9th day of April 2012.

*Kevin Shea,
Acting Administrator, Animal and Plant
Health Inspection Service*

[FR Doc. 2012-9066 Filed 4-13-12; 6:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

[Docket No. FCIC-11-0006]

RIN 0563-AC32

Common Crop Insurance Regulations; Fresh Market Tomato (Dollar Plan) Crop Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes the Common Crop Insurance Regulations, Fresh Market Tomato (Dollar Plan) Crop Provisions. The intended effect of this action is to provide policy changes and clarify existing policy provisions to better meet the needs of insured producers, and to reduce vulnerability to program fraud, waste, and abuse. The changes will apply for the 2013 and succeeding crop years.

DATES: This rule is effective April 16, 2012.

FOR FURTHER INFORMATION CONTACT: Tim Hoffmann, Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, P.O. Box 419205, Kansas City, MO 64141-6205, telephone (816) 926-7730.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have been approved by OMB under control number 0563-0053.

E-Government Act Compliance

FCIC is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small

entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the amount of an indemnity payment in the event of an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have an impact on small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11, or 7 CFR part 400, subpart J for the informal administrative review process of good farming practices as applicable, must be exhausted before any action against FCIC for judicial review may be brought.



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Plant Protection and
Quarantine

Plant Safeguarding &
Pest Identifications
National Identification
Service
4700 River Rd. Unit 52
Riverdale, MD 20737

Subject: Mexican Action List Changes

Date: April 24, 2012

To: PPQ Identifiers

As the result of a process called , Deregulation Evaluation of Established Pests (DEEP) *Plannococcus minor*, the passionvine mealybug and *Coccus viridus*, the green scale are now removed from Mexican Action List and are no longer actionable or reportable from any origin.

Phone: 301-734-4396 The Mexican Action List on the Policies section of the NIS Identifier Support website
Fax: 301-734-5276 has also been updated to reflect these changes.

Joel Floyd
NIS Domestic Diagnostics Coordinator
Riverdale, MD



Safeguarding American Agriculture
APHIS Is an agency of USDA's Marketing and Regulatory Programs
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**ACUERDO DE COMPROMISO ENTRE
LA DGPSA Y LOS PARTICIPANTES
EN EL PROGRAMA DE
EXPORTACION DE PITAHAYA A
ESTADOS UNIDOS**

**COMPLIANCE AGREEMENT
BETWEEN THE DGPSA AND THE
PARTICIPANTS IN THE PITAHAYA
EXPORT PROGRAM TO THE
UNITED STATES**

Yo _____ (Nombre del participante), como participante en el programa, acuerdo regirme por todas las especificaciones y regulaciones establecidas en este Plan de Trabajo. Acepto las consecuencias que puedan derivarse del Compromiso de cualquiera de o todos los aspectos incluidos en este Plan de Trabajo.

He recibido una copia del Plan de Trabajo y me aseguraré que esté disponible a todos los empleados de tiempo completo y que dichos empleados estarán completamente familiarizados y se regirán por el Plan.

I _____ (name of participant), as a participant in the program agree to abide by all specifications and regulations established in this Work Plan. I accept the consequences that may derive from non-compliance with any or all aspects included in this Work Plan.

I have received a copy of the Work Plan and will ensure that it is available to all full-time employees and that such employees will be thoroughly familiar with and abide by the Plan.

Firma del Participante

Fecha

Participant Signature

Date

Firma de DGPSA

Fecha

DGPSA Signature

Date

Agreement No.:
Accounting Code:

COOPERATIVE SERVICE AGREEMENT
BETWEEN
COOPERATOR NAME
AND THE
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

This Agreement is made and entered into by and between *COOPERATOR NAME*, hereinafter referred to as the Cooperator, and the United States Department of Agriculture, Animal and Plant Health Inspection Service, hereinafter referred to as APHIS.

ARTICLE 1 - PURPOSE

APHIS requires that certain agricultural produce, which will be imported from *COUNTRY*, be inspected and/or treated by an APHIS Officer to ensure the risk of introducing pests into the United States is eliminated. Specific agricultural produce must be listed in a current year work plan.

The purpose of this Agreement is to inspect and certify *COMMODITY* as requested by the Cooperator. This inspection and/or treatment of the produce outside the United States will aid in keeping undesirable pests and diseases from entering the United States, thus giving added protection to the agricultural areas of the United States.

It is the intention of the parties hereto that such cooperation shall be for the mutual benefit and the benefit of the people of the United States and *COUNTRY*.

ARTICLE 2 - AUTHORITIES

APHIS is authorized by the Plant Protection Act, as amended (7 USC 7701-7786), to cooperate with other Federal agencies, the governments of foreign countries, international organizations, states and their political subdivisions, farmer's associations and similar organizations, and other persons to detect, eradicate, suppress, control, and prevent or retard the spread of plant pests and diseases.

Persons authorized to travel under this Agreement must travel in accordance with Federal Travel Regulations, Agriculture Travel Regulations, and Marketing and Regulatory Program Travel Supplements.

APHIS is required to adhere to the definition of full cost recovery given in OMB Circular A-25. Full cost includes all direct and indirect costs to any part of the Federal Government for providing a good, resource, or service.

Section 2509(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136(a), referred to as the FACT Act, authorizes APHIS to collect user fees for agricultural quarantine and inspection (AQI) services. The FACT Act was amended by section 504 of the Federal Agricultural Improvement and Reform Act of 1996 (Public Law 104-127) on April 4, 1996. The AQI services can be provided upon arrival at a port in the customs territory of the United States or preclearance or preinspection at a site outside the customs territory of the United States.

ARTICLE 3 – MUTUAL RESPONSIBILITIES AND UNDERSTANDINGS

The cooperating parties mutually understand and agree to/that:

- a. Develop a mutually agreed upon Work Plan and Financial Plan which are incorporated into this Agreement by reference. It is understood and agreed that any monies allocated for the purpose of this Agreement shall be expended only towards the activities and related expenses outlined therein. Commodity-specific work plans will be developed and signed by APHIS and the Cooperator or its representative and updated annually.
- b. Annual financial plans are to be developed by APHIS and approved by the Cooperator. Financial plans are to be submitted and approved by APHIS, Plant Protection and Quarantine no later than 90 days before the inspection program begins.
- c. As a condition of this agreement, the cooperater, in signing this Agreement, ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.
- d. This Cooperative Service Agreement is contingent upon the Cooperator depositing in advance, with APHIS, funds needed to conduct covered activities or to provide goods within the availability of APHIS resources.

ARTICLE 4 – COOPERATOR RESPONSIBILITIES

The Cooperator agrees to/that:

- a. Be an unbiased, transparent, administrative entity providing equal access, fairly representing, and equitably prorating program costs, without discrimination, amongst all producers desiring to participate in the APHIS preclearance programs.
- b. The Cooperator will not engage in anticompetitive practices, exclusion dealing agreements, tying arrangements, restrain trade or commerce, and/or unreasonably restrain competition or engage in an appreciable effect on some activity affecting commerce, or otherwise control the market to the detriment of purchasers or consumers of goods and services.
- c. Pay in advance, the full cost to the U.S. Government for providing this service.
- d. An advance deposit of the amount agreed upon in the annual financial plan, must be received via electronic funds transfer (EFT) with USDA, to be expended in accordance with USDA regulations. Instructions for depositing funds via EFT can be found in Attachment 1.

Funds will be used to cover salary (including overtime), benefits, travel, subsistence, International Cooperative Administrative Support Services (ICASS) and severance (if applicable), overhead, and all

other incidental expenses for APHIS Officers needed to perform the work herein described. The advance deposit will be based on length of program and payment schedule set forth in the negotiated financial plan. Should costs be higher than originally anticipated in this Agreement, APHIS reserves the right to increase the required advance payment(s) to cover additional program costs.

e. Obtain from the Government of *COUNTRY* any necessary permits or licenses required for the APHIS Officers to have free access to locations necessary for the performance of the planned work.

f. Furnish facilities in *COUNTRY* for APHIS officers to inspect and/or treat produce offered for the import into the United States.

g. If any pests of economic significance to the United States are found, the infested shipments will not be certified for shipment to United States markets.

ARTICLE 5 – APHIS RESPONSIBILITES

APHIS agrees to/that:

a. Designate an authorized representative who shall be responsible for collaboratively administering the activities conducted under this Agreement.

b. Delegate authority to the APHIS Regional Director with oversight responsibilities for this program to sign annual work plans and financial plans.

c. At the time or times agreed upon by the parties insofar as availability of personnel will permit, furnish as requested by the Cooperator necessary inspection personnel to:

1) review and certify the inspection of treatment facilities,

2) provide supervision of the treatments,

3) inspect and release the commodity for shipment to the United States when it meets plant quarantine requirements, and

4) vessel certification for in-transit cold treatment, if applicable.

d. Make an accounting of the monies deposited by the Cooperator quarterly with a final accounting upon termination or expiration of the Agreement. Any balance remaining unobligated at the conclusion of any fiscal year may be utilized during the ensuing fiscal year if a continuation of the inspection services is required. Any unobligated balance remaining upon termination or expiration of this Agreement shall be returned to the Cooperator after a final accounting is made by APHIS.

ARTICLE 6 – CONTINGENCY STATEMENT

Provisions of services covered by the Agreement is contingent upon the receipt by APHIS of a deposit from the Cooperator, in advance, in an amount sufficient to cover services to be rendered and upon the availability of APHIS personnel to conduct services. APHIS reserves the right to terminate this Agreement if advanced payments are not received as required or if funding is not adequate to cover

expenses. Any additional costs incurred by APHIS in the termination phase and any additional cost to APHIS to reopen the program must be fully paid in advance by the Cooperator prior to resumption of inspection services.

The Cooperator is liable for fees assessed for services performed under this agreement. APHIS will assess a late payment penalty for failure to pay fees when due. In addition, the overdue fees shall accrue interest as required by 31 U.S.C. § 3717.

In addition, APHIS reserves the right to terminate this Agreement if the program fails to provide appropriate phytosanitary protection.

ARTICLE 7 – CONGRESSIONAL RESTRICTIONS

Pursuant to Section 22, Title 41, United States Code no member of or delegate to Congress acting in an official capacity shall be admitted to any share or part of this Agreement or to any benefit to arise thereof.

ARTICLE 8 – DURATION, REVISIONS, EXTENSIONS, AND TERMINATIONS

This Agreement shall become effective upon date of final signature and shall remain in effect for five years. Further, this Agreement may be amended at any time by mutual agreement of the parties in writing. The Cooperator must submit a written request to extend the Agreement at least 30 days prior to the expiration date. It may be terminated by either party upon 60 days notice in writing to the other party.

COOPERATOR NAME, ADDRESS, PHONE, E-MAIL

Date

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

APHIS Administrator

Date



Pitaya Production Site Certification Form



For APHIS and MAGFOR use only
(Sólo para uso de APHIS y MAGFOR)

1.0 Producer Data

Información del productor

1.1 Producer's name (company) Nombre del Productor (compañía)	
1.2 Production area (hectares) Área en producción (hectáreas)	
1.3 Location (address) Ubicación (dirección)	
1.4 Production site registered with DGPSA Sitio de Producción registrado ante la DGPSA	Yes (si) () No (no) ()

2.0 Production site data

Información del sitio de producción

2.1 Training program for field personnel Programa de capacitación de personal	Yes (si) () No (no) ()
2.2 Trees and other structures not shading crop Los árboles u otras estructuras no hacen sombra al cultivo	Yes (si) () No (no) ()
2.3 Field boxes properly marked Cajas de campo marcadas apropiadamente	Yes (si) () No (no) ()
2.4 Production site clean / Fruit properly discarded Sitio de producción limpio / Fruta desechada apropiadamente	Yes (si) () No (no) ()

3.0 Trapping Program

Programa de Trampeo

3.1 Number of traps in production site Número de trampas en el sitio de producción	
3.2 Trapping program in place for at least one year Programa de Trampeo llevado a cabo por al menos un año	Yes (si) () No (no) ()
3.3 Trapping data available Información de trampeo disponible	Yes (si) () No (no) ()
3.4 Captures of <i>C. capitata</i> or <i>A. ludens</i> two months prior to harvest less than 0.07 FTD Capturas de <i>C. capitata</i> o <i>A. ludens</i> dos meses antes de la cosecha menores a 0.07 MTD	Yes (si) () No (no) ()
3.5 If fruit fly captures over 0.07 FTD, is there a control program in place? Si las capturas de mosca de la fruta son mayores a 0.07 MTD ¿se lleva a cabo un programa de control?	Yes (si) () No (no) ()

Approved Yes (si) () No (no) ()

APHIS Signature _____

Firma MAGFOR _____



Packing Plant Certification Form



For APHIS and MAGFOR use only
(Sólo para uso de APHIS y MAGFOR)

1.0 Packing Plant Data

Información de la planta empacadora

1.1 Packing plant name (company) Nombre de la Planta empacadora (compañía)	
1.2 Location (address) Ubicación (dirección)	
1.3 Production site registered with DGPSA Planta Empacadora registrada ante la DGPSA	Yes (si) () No (no) ()

2.0 Infrastructure

Infraestructura

2.1 Training program for packing plant personnel Programa de capacitación para personal de planta empacadora	Yes (si) () No (no) ()
2.2 All openings covered with screenings of not more than 1.6 mm Todas las aberturas cubiertas por malla no mayor a 1.6 mm	Yes (si) () No (no) ()
2.3 Double doors for fruit packing area Puertas dobles para el área de empaque de fruta	Yes (si) () No (no) ()
2.4 Locks in place for fruit packing area Seguros para el área de empaque de fruta	Yes (si) () No (no) ()
2.5 Pitaya fruit only from approved production sites Fruta de pitahaya únicamente de sitios de producción aprobados	Yes (si) () No (no) ()
2.6 Packing Plant and packing material clean and properly stored Planta empacadora y material de empaque limpio y almacenado apropiadamente	Yes (si) () No (no) ()
2.7 Fruit waste removed daily Desecho de fruta descartado diariamente	Yes (si) () No (no) ()
2.8 Live insects found upon inspection Insectos vivos encontrados durante la inspección	Yes (si) () No (no) ()
2.9 Appropriate labeling in export boxes and pallets Cajas y tarimas de exportación marcados apropiadamente	Yes (si) () No (no) ()
2.10 Adequate area for MAGFOR Inspection Área adecuada para las inspecciones del MAGFOR	Yes (si) () No (no) ()
2.11 Pitaya properly stored after inspection Almacenaje de pitahaya apropiado después de la inspección	Yes (si) () No (no) ()

Approved Yes (si) () No (no) ()

APHIS Signature _____

Firma MAGFOR _____



MAGFOR
MINISTERIO AGROPECUARIO Y FORESTAL

Trapping Report



Trapping Inspection Report



Week	Production Site	Date
1. Production site map available with trap locations <i>Mapa del sitio de producción con ubicación de las trampas establecidas</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
2. Trapping distribution in accordance to the work plan <i>Distribución de trampas conforme al plan de trabajo</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
3. Quantity of traps in accordance to the work plan <i>Cantidad de trampas conforme al plan de trabajo</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
4. Traps placed correctly <i>Trampas colocadas en su lugar correcto</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
5. Traps serviced on schedule (every 7 days) <i>Las trampas están siendo revisadas cada 7 días como se establece en el plan de trabajo (septimanal)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
6. Lures changed on schedule <i>Los atrayentes se están cambiando conforme al plan de trabajo</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
7. Lure contamination on the trap <i>Contaminación de los atrayentes en la trampa</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
8. Trapping Records are available <i>Existen registros de captura y de sus correspondientes resultados</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
9. Samples submitted properly <i>Los muestras se están enviando de acuerdo con el plan de trabajo</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
10. Trapper trained properly <i>El traperos se han recibido capacitación y orientación</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
11. Trapper identified planted specimens (this test should take place at least two times during the season) <i>El traperos identificó los especímenes que se plantaron y se probó de manera sistemática (Revisar el cuadro de identificación de especímenes plantados para ver si se cumplió con esta prueba)</i>	Date _____ Yes <input type="checkbox"/> No <input type="checkbox"/>	
Name <i>Nombre</i>	Signature <i>Firma</i>	



Export Summary (weekly report)



1. Week No. Semana No.		2. Date. Fecha		
3. No. of Boxes Packed (total) No. de cajas empacadas (total)				
4. No. of Boxes Inspected (total) No. de cajas inspeccionadas (total)				
5. Packing Plant Planta Empacadora	6. Container ID Identificación Contenedor	7. No of Boxes Número cajas	8. Port of Entry in the US Puerto de Entrada en EE.UU.	9. Date Shipped Fecha de envío
10. Fruit flies found in Trapping Program (attach fruit fly report) Moscas de la fruta encontradas en el programa de trampas (Anexar informe de moscas de la fruta)				
<input type="checkbox"/> YES <input type="checkbox"/> NO				
11. Production sites maintained in accordance to the work plan Lugar de producción mantenido de acuerdo al plan de trabajo				
<input type="checkbox"/> YES <input type="checkbox"/> NO				
12. Packing Facilities maintained in accordance to the work plan Fábricas de empaque mantenidas de acuerdo al plan de trabajo				
<input type="checkbox"/> YES <input type="checkbox"/> NO				
13. Comments Comentarios				
14. Inspector (name) Nombre del inspector		15. Signature Firma		



INSPECTION REPORT

DATE:

CROP:

COMPANY:
MANAGER:

FIELD INSPECTION

CROP/GREENHOUSE:

FRUIT FLY TRAPPING

DISPOSAL AREA

TRACEABILITY

PACKING PLANT INSPECTION

RECEPTION AREA

TREATMENTS
(I.E HOTAWATER)

INFRASTRUCTURE

MATERIALS

DOCUMENTATION

MINISTRY INSPECTION

CONCLUSIONS

APHIS SUPERVISOR	
SIGNATURE:	
DATE:	

Anexo 10. Lista de Trampas Aprobadas por APHIS

	Lure	TML	PB	3C	2C
<i>Ceratitis</i>	Trampa	Jackson	McPhail	McPhail	McPhail
	Macho	X	X	X	
<i>capitata</i>	Hembra		X	X	
<i>Anastrepha</i>	Macho		X		X
	Iudens	Hembra	X	X	

TML: Tridmelure

PB: Base Proteina (Nulure, Torula yeast, buminal)

3C: Acetato, Putrescina and Trimethyl amina

2C: Acetato, Putrescina

Annex 10. List of APHIS Approved Traps

	Lure	TML	PB	3C	2C
<i>Ceratitis</i>	Trap	Jackson	McPhail	McPhail	McPhail
	Male	X	X	X	
<i>capitata</i>	Female		X	X	
<i>Anastrepha</i>	Male		X		X
	Iudens	Female		X	X

TML: Tridmelure

PB: Protein Based (Nulure, Torula yeast, buminal)

3C: Acetate, Putrescine and Trimethyl amine

2C: Acetate, Putrescine

Anexo 10. Tabla para determinar muestra biométrica

Para lotes* de más de 1000 frutos la muestra biométrica debe consistir de lo siguiente:

Plagas cuarentenarias	Tamaño de la muestra	Selección de la muestra	Evaluación de la muestra
<i>Dysmicoccus neobrevipes</i> , <i>Planococcus minor</i>	150 frutas	Al azar	Visual
<i>Anastrepha ludens</i> , <i>Ceratitis capitata</i>	50 frutas	Al azar como una sub-muestra de los 150 frutos	Destructiva (cortar e inspeccionar)

*Para propósito del muestreo, el lote se define como un área de no más de dos hectáreas cosechadas en un campo específico en un día específico.

Annex 10. Table to determine biometric sample

For lots* over 1000 fruits the biometric sampling should consist of the following.

Target pests	Sample size	Sample selection	Sample evaluation
<i>Dysmicoccus neobrevipes</i> , <i>Planococcus minor</i>	150 fruit	Random	Visual
<i>Anastrepha ludens</i> , <i>Ceratitis capitata</i>	50 fruit	Randomly sub-sampled from original 150 fruit sample	Destructive (cutting and inspection)

* For sampling purposes a lot is defined as an area of no more than two hectares harvested from a specific field on a specific date.

Anexo 11/ Annex 11 Tabla de Revisiones/Amendment Table

Revisión No. /Amendment No:	Contenido de la Revisión y páginas/ Amendment Content and Pages	Entrada por / Entered by	Fecha/ Date:
1	Primer Borrador / First Draft	Robert Johnson	11/10/11
2	<i>Plannococcus minor</i> eliminado de la lista de plagas cuarentenarias Pag. 18 / <i>Plannococcus minor</i> removed from the list of quarantine pests Pag. 18	Marco Gonzalez	05/22/13
3			
4			
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