

Regulations Governing Mexican Hass Avocado Imports

Mexican Hass avocados will soon be arriving for distribution within the United States, and regulations are in place for permittees, distributors, trucking companies, and retailers. Mexican Hass avocados will be permitted into 31 States for an extended shipping period, from October 15 through April 15. The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) will strictly enforce all regulations governing the importation of Mexican Hass avocados, including requirements preventing distribution to those States where Mexican Hass avocados are not permitted.

Under the Plant Protection Act, violators face high penalties for illegally transporting or distributing imported produce, such as Mexican Hass avocados.

Industries are responsible for knowing the regulations governing imported Mexican Hass avocados. APHIS hopes that this publication will make it easier for distributors, truckers, and retailers to understand and follow the regulations governing this commodity.

Background

To prevent foreign plant pests and diseases from damaging U.S. agricultural resources, Federal regulations require that certain imported plants and plant parts be subject to shipping restrictions. USDA has specific regulations governing the importation of Mexican Hass avocados. Only Hass avocados from the State of Michoacan, Mexico, may be imported into the United States. Starting this shipping season, Mexican Hass avocados can be imported into 31 States, and the District of Columbia, from October 15 through April 15. The 31 States are: Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

USDA allows Mexican Hass avocados to be imported into the above States at that specific time of year because the colder climate prevents avocado

pests from becoming established. However, moving or shipping these avocados to other States poses a risk of introducing pests that could cause millions of dollars of damage to U.S. crops.

Federal Regulations

All aspects of the Mexican Hass avocado import process are governed by Federal regulations. Penalties for distribution and/or movement of Mexican Hass avocados in violation of the regulations may result in fines of up to \$250,000. Violators may also be subject to criminal penalties.

USDA requires that the original boxes for Mexican Hass avocados each have a stamp that lists the distribution restrictions. Once in the approved States, if any avocados are removed from their original shipping boxes and repackaged, the stickers required on the fruit must not be removed or obscured and the new boxes must be clearly marked with all the following information: the identity of the grower, packinghouse, and exporter, and the statement "Not for distribution in AL, AK, AZ, AR, CA, FL, GA, HI, LA, MS, NV, NM, NC, OK, OR, SC, TN, TX, WA, Puerto Rico, and all other U.S. Territories."



Under the new regulations, Mexican Hass avocados may be imported into 31 States and the District of Columbia from October 15 through April 15.

Each industry subject to the Mexican Hass avocado import process is responsible for following USDA regulations. Industry employees should be aware of these regulations and the penalties if the regulations are not followed.

These are the specific ways in which the regulations must be followed:

Permittees—Anyone interested in importing Mexican Hass avocados must first apply for an import permit issued by APHIS. This can be done on the APHIS Web site at www.aphis.usda.gov/ppq/avoca-

dos. See “apply for an avocado permit.” Before transferring the avocados to a person (i.e., a second-party handler) for movement or distribution, the permittees must confirm that the second-party handler has entered into a compliance agreement with APHIS. If the permittees transfer the avocados to a second-party handler who has not entered into a compliance agreement, APHIS may revoke the permittees’ import permit for the remainder of the current shipping season. APHIS may deny an application for an import permit, or refuse to enter into a compliance agreement with, any person who has had his or her import permit or compliance agreement revoked twice within any 5-year period.

Distributors—wholesale distributors of Mexican Hass avocados may not distribute them outside the approved States. Distribution outside the restricted area is in violation of the regulations and subject to penalties of up to \$250,000. Any person other than the permittees (i.e., a second-party or subsequent handler, including wholesalers, brokers, and retailers) who moves or distributes the avocados following their importation into the United States must enter into a compliance agreement with APHIS. In the compliance agreement, the person must acknowledge and agree to observe all regulatory requirements for Mexican Hass avocados including those for distributing, repackaging, and subject auditing. Distributors may apply for a compliance agreement in advance by contacting the local APHIS Plant Protection and Quarantine (PPQ) office. Blank copies of compliance agreements and local APHIS contacts can be located on the APHIS Web site at www.aphis.usda.gov/ppq/avocados. Compliance agreements are not valid until signed by a PPQ official and the applicant. A compliance agreement will not be required for an individual place of business that only offers the avocados for sale directly to consumers.

Trucking Companies—Trucking companies should be certain not to schedule deliveries of Mexican Hass avocados to destinations outside of the approved States. Movements outside of the restricted area are in violation of USDA regulations and subject to penalties. Boxes of Mexican Hass avocados are sealed at the border and remain intact until officials break the seal at the destination. Seals that are broken while in transit by other officials such as the highway patrol need to be resealed by those officials and the safeguarding notice signed.

Retail Markets—Grocery stores, supermarkets, and other retail vendors should not move Mexican Hass avocados outside the approved States. Movement outside the restricted area is in violation of the regulations. An establishment located outside this area must not order or accept deliveries of Mexican Hass avocados.

Additional Information

For background information about Mexican Hass avocados, please visit the PPQ Web site at www.aphis.usda.gov/ppw/avocados or call PPQ at (301) 734-8295.

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