



MEXICAN AVOCADO SHIPMENTS WITH SCALE PESTS CONTINUE

From February 1 through March 31, a total of 228 shipments of Mexican avocados have been inspected at CDFA border checkpoints. About 12% of these, or 27 trucks, contained actionable armored scale pests. Sixteen of these loads were directed out of state and the remaining 11 shipments were fumigated and released. The monthly breakdown indicates that the scale insect problem continues unabated. During February, 14 truckloads of Mexican avocados were found to contain actionable pests. In March, quarantine pests were intercepted in 13 shipments. *There is no evidence whatsoever of any remedial steps taken by the Mexican industry to stem the tide of actionable scale pests arriving in our home state.*

CDFA FORCED TO HALT FUMIGATION TREATMENTS

CDFA has halted fumigation for state-actionable scale insects after being advised that the federal emergency exemption for methyl bromide cannot be used for quarantine pests which are not actionable at the federal level. In response, CDFA applied to amend the surface pest category of its Special Local Needs (SLN) registration for methyl bromide fumigations to permit "fumigation of fruits and vegetables for consumption that have a methyl bromide tolerance." While that application is pending, there are two options available to CDFA or County level inspectors for disposition of Mexican avocados infested with armored scale insects: 1) Destroy the fruit upon detection or 2) Ship the load out of California.

SCIENCE ADVISORY PANEL MOVING FORWARD

On Friday, March 30, 2007, CDFA officials forwarded an official request to USDA-APHIS to convene a Science Advisory Panel to discuss the risks associated with armored scale insects. Although CDFA had previously spoken with USDA about the panel, names of proposed participants had not been forwarded to APHIS headquarters because California plant health officials have been occupied with the light brown apple moth, an invasive species recently discovered in four northern California counties. The moth is native to Australia and attacks more than 250 plant species, including avocados. Interim regulatory action has been taken to contain the spread of this pest. Timing for the Advisory Panel meeting has been reset for May.

CALIFORNIA CONGRESSIONAL DELEGATION APPLIES PRESSURE TO USDA

California Members of Congress have responded to CAC's request for strong support of our industry's position regarding modification of the CDFA-USDA Cooperative Agreement to resolve the jurisdictional issue with respect to the inspection of imported avocados. The Delegation's letter asks APHIS to allow U.S. Customs and Border Protection agents at federally-operated ports of entry in California to turn over loads of Mexican avocados found infested with scale insects to CDFA for disposition. The letter is the Commission's latest attempt to get APHIS to reconsider its scale insect policy before legal action is taken. A snapshot of the letter follows on the next page. The full text is available at:

http://www.avocado.org/admin/upload/aphis_letter3-30-07.pdf

PEST & DISEASE ACT HEADS TO SENATE AG COMMITTEE IN SACRAMENTO

Following Legislative Counsel Review, SB 486 has been amended and reintroduced before the California legislature as the CALIFORNIA PEST & DISEASE PREVENTION ACT OF 2007. The bill is now headed to the Senate Agriculture Committee.

CAC'S FILING FOR LITIGATION AGAINST USDA SET FOR MID APRIL

The Commission continues to move ahead with its lawsuit against USDA. Full details of the suit will be provided in a subsequent bulletin once the complaint has been filed with the court.



TOM BELLAMORE
SENIOR VICE PRESIDENT & CORPORATE COUNSEL

A handwritten signature in black ink that reads "Tom Bellamore".

APRIL 5, 2007



March 30, 2007

The Honorable Bruce Knight
 Under Secretary, Marketing & Regulatory Programs U.S. Department of Agriculture
 1400 Independence Avenue, S. W., Room 228-W Washington, DC 20250

Dear Under Secretary Knight:

We are writing in regard to concerns that have been brought to our attention indicating that a serious gap exists in the ability of the Animal and Plant Health Inspection Service (APHIS) to ensure that California's 6,000 avocado growers are fully protected from all invasive species, including scale insects, which pose a serious threat to their groves. Taking into consideration a recent report indicating that a truck contained scale insects as well as Mexican avocados when it entered the Otay Mesa, California Port of Entry, it is critical that APHIS be fully coordinated with the California Department of Food and Agriculture (CDFA) on border inspection issues.

As you know, shipments of Mexican avocados must adhere to APHIS regulations, which are designed to prevent the introduction and dissemination of plant pests, as well as adhere to the phytosanitary requirements in California's Food and Agriculture Code.

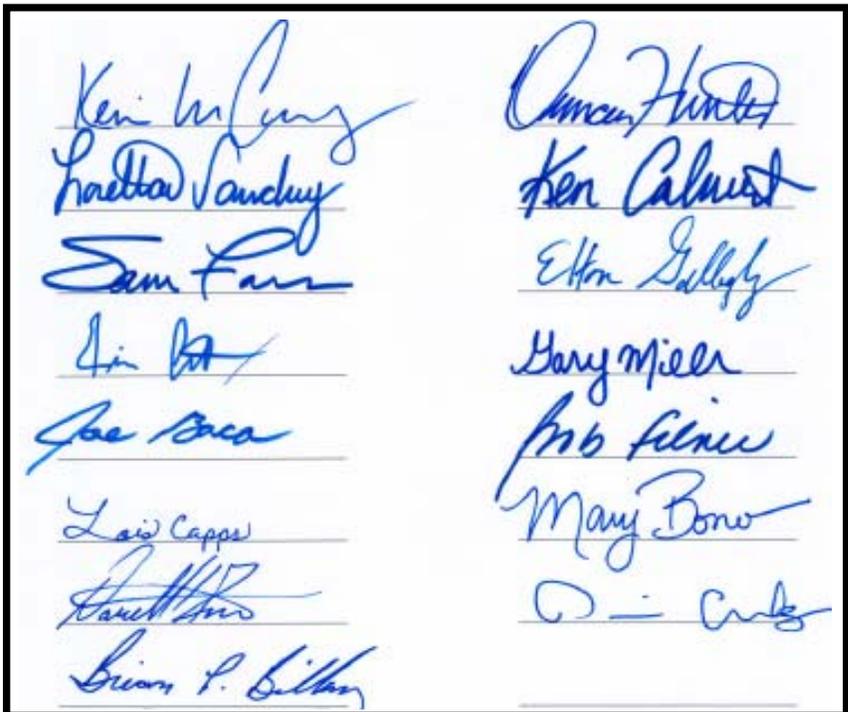
One notable difference between the federal and state requirements, however, is that certain species of pests may trigger a regulatory response at the state level but not at the federal level. For example, armored scale insects are not regulated by APHIS, meaning that federal inspectors at U.S. ports of entry will not reject shipments of Mexican avocados found infested with live scale. In California, however, such species are subject to regulation.

Since APHIS does not list this invasive species as an actionable pest, APHIS inspectors at U.S. ports of entry do not reject shipments of avocados if scale insects are detected and allow Mexican avocados infested with armored scale to enter the United States. While CDFA may have the authority to inspect product that has reached its final destination and has been unloaded in a warehouse, this state agency does not have access to transit schedules and destination information. Even if CDFA obtained this information, it does not have the resources to conduct such inspections.

Currently, California's phytosanitary regulations regarding live scale insects are rendered ineffectual if trucks carrying scale insects move through Otay Mesa where federal inspectors do not reject Mexican avocados infested with live scale. CDFA does not have the authority to inspect Mexican avocados that enter the United States at this port of entry and while they are in transit throughout the state. Trucks that clear the federally-operated Otay Mesa facility move directly into Interstate 5, with access to the California's major cities. It is the long-standing policy of the federal government that products entering U.S. ports of entry remain under federal jurisdiction until they reach their final destination.

We are writing to request that APHIS modify its Memorandum of Understanding with the CDFA to allow U.S. Customs and Border Protection inspectors at Otay Mesa to turn over loads of Mexican avocados found infested with scale insects to CDFA for disposition. This course of action does not require a change to existing APHIS regulations and would keep intact California's pest risk prevention policies and programs.

Thank you in advance for your consideration and we look forward to hearing from you regarding this important matter.



TO DOWNLOAD THE LETTER, GO TO:
http://www.avocado.org/admin/upload/aphis_letter3-30-07.pdf