

## **New EPA regulations may disrupt Chilean fruit**

by Tad Thompson, The Produce News

11/12/2007

The new rules on the handling of methyl bromide for fruit fumigation and their potential impact on the distribution of imported fruit was one of the topics discussed at the annual preseason Chilean fruit meeting held here Oct. 26.

The Chilean & American Chamber of Commerce of Greater Philadelphia is the host of the annual meeting, which this year was presided over by Tom Mastromarco, who is a Board Member of the Chilean chamber. Mr. Mastromarco is also director of fruit marketing and customer service for Gloucester Marine Terminal LLC in Gloucester City, NJ.

Scott Wood, director of the treatment quality assurance unit of the Center for Plant Health Science & Technology, which is part of the U.S. Department of Agriculture's Animal & Plant Health Inspection Service's Plant Protection Quarantine division, addressed the EPA buffer zone proposal, which is a new set of rules that will establish tougher regulations, including how port facilities must handle the exhaust of methyl bromide after it is used to fumigate fruit. The final rules are not completed, but they are expected to create some major logistical problems for ports. The rules also could slow the release of fruit to marketers.

Susan O'Toole, who works with Mr. Wood in Raleigh, NC, said that the comment period on this matter is officially closed. However, the EPA is still receiving comments on the proposed rules "and meeting with groups who want to discuss" the matter. She said that APHIS has commented on the rules changes, and the EPA has been responsive to the practical matters which must be considered in the regulations. Among the misunderstandings of these regulations is a report of the EPA position that methyl bromide is lighter than air. Informed individuals in the Oct. 26 meeting were clear that this is not the case.

Mr. Mastromarco said that there is a discussion of a possible 500-foot buffer zone during the dissipation of methyl bromide treatments, and noted that the Gloucester Marine Terminal is within 500 feet of private homes.

Hal Fingerman, chief of agriculture operations for the U.S. Department of Homeland Security's Customs & Border Protection division in Washington, DC, said that the ports of the Delaware River either already have or will soon be armed with radiation-detecting portals.

"We just opened in Wilmington and the Penn Terminal [in Philadelphia]," Mr. Fingerman said. The Gloucester Terminal, which has fewer containers that need to be scanned, will have the new equipment by the end of 2007. The Packer Avenue Terminal "starts in two weeks."

The equipment, which scans for both neutron and gamma radiation, can be mounted on trucks or can be permanently situated like a gate. If there is a preliminary detection of gamma rays, the container is scanned again. If more dangerous neutron radiation is detected, "everything stops" and alarms sound, Mr. Fingerman said.

He said that the Wilmington portals are at the port's exit. Penn Terminal containers are scanned "as they come off the hook." Gloucester Terminal will use mobile trucks for the scanning.

Wilmington has a huge banana trade. The potassium in bananas is notorious for setting off gamma detectors, but adjustments have been made and no banana alarms have gone off yet, Mr. Fingerman said.

Mr. Rochford of the Maritime Exchange spoke about the implementation of the Transportation Worker Identification Card system on the Delaware River. In early October, after two years of trials, Wilmington became the first river port to begin use of the cards. The official date for all ports to achieve compliance is Oct. 28, 2008, but Mr. Rochford said that he is doubtful that this deadline goal is realistic.

The TWIC system allows workers to get into a facility, but only if that facility gives permission to enter. Entrants who do not carry a TWIC must be escorted by an official on that property. Mr. Rochford said that Wilmington had enrolled 280 people in its TWIC program, the processing for which takes less than 20 minutes and costs \$132.50. Included is a biometric scan of all 10 fingers plus a background check and legal history. Some crimes disqualify a person from ever getting a card, while other crimes are forgiven after periods of the person having a clean record.

Another panelist at the Chilean fruit meeting was Ottavio Parenti, supervisory investigator and import program manager for the U.S. Food & Drug Administration. Mr. Parenti said that Chile "has a very good compliance history" for FDA pesticide-residue laws. He added that the FDA will continue its same level of sampling this year as last. Last year, more than 3,000 samples of Chilean produce were tested for chemical residues. Of those, there were two violations nationwide.

Mr. Parenti said that a proposal to close seven FDA sample test labs "was not met with enthusiasm from local industry," and the proposal was tabled.

Darryl Moore and Don Carr, who work in different ports on the Delaware River for USDA APHIS PPQ, reviewed their inspections a year ago. Both were very positive about their working relationship with the ports and indicated that they expect no problems this year.