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Regulatory Analysis and Development  
Plant Protection Development  
Animal & Plant Health Inspection Services  
Station 3-A River Road Unit 118  
Riverdale, Maryland 20737-1238

To Whom It May Concern:

We are pleased to submit these comments on behalf of Group Azura (“Azura”), an integrated grower, packer and marketer of greenhouse grown vegetables, organized under the laws of the Kingdom of Morocco. Azura strongly supports Proposed Rule referenced as Docket No. APHIS-2008-0017 regarding the Importation of Tomatoes from Souss-Massa, Morocco.

## EXECUTIVE SUMMARY

We applaud APHIS’ development of a Proposed Rule that represents a prudent and reasonable approach to allowing imports of tomatoes from the Souss-Massa region subject to additional restrictions to the previously approved authorization to import tomatoes from the provinces of El Jadida, Safi and Dahkla. We firmly believe the Moroccan Ministry of Agriculture and the EACCE are fully committed to complete compliance with the protocol and safeguards. The initial, albeit small, test shipment from Dahkla in April of 2007 illustrates the care and commitment of all parties to the protocol. Azura, as a major exporter of tomatoes and other greenhouse grown vegetables to some of the most demanding markets in the world, understands and welcomes all efforts to insure that a safe, healthy and nutritious product is shipped to the United States. As integrated growers and

packers of agricultural products, Azura understands and appreciates that the program must be implemented in a manner that will eliminate dangerous pest risks to producers of these or other products in the United States.

## BRIEF DESCRIPTION OF AZURA

The company was organized in 1988 with greenhouse farms and a packing station in Agadir, Morocco, also known as the Souss-Massa region. It started a greenhouse farm in the Dakhla area in 2006, which is the area first subject to special USA/Morocco tomato protocol in 2007. The company owns 36 greenhouse farms totaling 675 hectares in the Agadir area, and 2 farms totaling 76 hectares in the Dakhla area.

Azura is a completely integrated operation, combining internal research and nursery operations, greenhouse farm production, packing, transportation and logistics capabilities. It tests between 250 and 300 new varieties every year in order to improve the quality and enlarge the range of products. Azura ships tomatoes and other greenhouse vegetables to Austria, France, Germany, Italy, Scandinavia, the United Kingdom, Poland and Russia. Included in this list are some of the most demanding markets in the world with respect to quality and food safety, including, for example, major supermarket chains in Germany, France and the United Kingdom.

## FOOD SAFETY COMMITMENT

Azura is committed to a global quality system to guarantee food safety. The company monitors residue levels by regularly testing its products in independent laboratories. A system has been implemented to provide complete tracing of all products from the retail shelf back to the farm. The company has developed and implemented compliance management systems to track and comply with developing food safety regulations. The company has been a leader in North Africa in implementing Integrated Pest Management, which has been used in Azura's farms since 1988. On each farm an ecosystem is created with a large number of beneficial insects that fight against various types of predators.

The following independent certifications demonstrate Azura's commitment and ongoing vigilance in focusing on food safety.

#### FOR THE FARMS:

- EureGap certification since 2004
- GlobalGap certification since June 2008
- Tesco's ( major UK food retailer) "Nature Choice Certification"

#### FOR THE PACKING STATION:

- British Retail Consortium Global Standard, Grade A since 2004
- International Food Standard-food certification. "Highest level" 2007

#### FOR THE GROUP, total organization and logistics:

- ISO 9001: since 2003 in Morocco and since 2006 in France.

#### TEST SHIPMENT FROM DAKHLA

In April, 2008 Azura made a test shipment of tomatoes pursuant to 7 CFR section 319.56-2dd. A methodical and organized program was planned for this test in full coordination with Moroccan Ministry of Agriculture officials. All requirements of the new protocol were met including implementation of MedFly surveillance protocol and weekly checks of the traps by Azura Project Manager. In addition, contact with and personal visits by EACCE Agadir office were ongoing through the test process. Upon arrival in New York on May 24, a very thorough inspection was performed by USDA along with U.S. Custom's clearance. The shipment cleared Customs with no complications. The tomatoes were very well received by the customers who tested the product. The key finding was that the flavor of the fruit was excellent. It should be noted that the importing company is a large, vertically integrated grower, packer and shipper of fresh tomatoes from various US producing areas.

#### THE CHALLENGING U.S. MARKET

The weak U.S. dollar, escalating energy costs, increasing ocean freight rates, and the availability of high quality green house tomatoes from U.S., Canadian, Mexican and European producers combine to present a considerable challenge to any region trying to enter the U.S. market. There is a narrow window of opportunity for products of the very best quality and

taste, as well as new and unique varieties. Only companies willing to make the investment necessary to cover start up losses will be able to succeed. We are quite certain that absent a major change in the obstacles referenced above, only a modest volume of tomatoes would enter the U.S. market from the Souss-Massa region during the first 4 to 5 years of the new protocol, keeping in mind that the window is only open from December 1 through April 30.

Page 28389 of APHIS Proposed rule, under the section “U.S. Tomato Production and Trade” sets forth import data showing that Mexico accounted for 85% of tomato imports in 2006 followed by Canada with 13.65%. The remaining minor suppliers accounted for less than 3% of the imports. Morocco from Souss-Massa region will at best be a very minor player in this trade. Table 2 of the Proposal estimates Morocco would ship 1,000 metric tons or “100 times the level of past imports from Morocco.” However, it is important to note that this would only be 50 cargo containers of product. 1,000 metric tons out of a total import base of 900,000 metric tons could hardly be expected to have any meaningful commercial impact. At the end of the day it will be necessary for Morocco, or any other producing region, to ship the highest quality, safe, superior taste product in order to enter and maintain a place in the U.S. market. If this is the case then the U.S. consumer will benefit.

#### KNOWLEDGE AND COMMITMENT OF MOROCCAN MINISTRY OF AGRICULTURE OFFICIALS

Azura has worked very closely with both National and Regional officials of the Moroccan Ministry of Agriculture in connection with several programs, including Integrated Pest Management, Food Safety, and the Protocol/Requirements for Tomatoes from Dahkla in the Western Sahara region of Morocco. We have found them to be professional, knowledgeable, and committed to 100% compliance with all applicable requirements and regulations. The same is true for officials of the EACCE, who played an important role in the Dahkla test. Our success in the very demanding markets of Western Europe could not have obtained if there was not a coordinated effort involving private companies and the Ministry of Agriculture. In the case of shipments to the United States, we are mindful of the great importance of complete compliance with all applicable laws and regulations as we enter the new United States-Morocco Free Trade Agreement.

Again, we appreciate the opportunity to comment and the work of APHIS to develop a proposal to expand the exports of a valued trading partner in a prudent manner consistent with the recently adopted U.S.-Morocco Free Trade Agreement.

Sincerely,

David P. Bernstein