

December 2006

**Supporting Statement
14th Periodic Amendment
Importation of Fruits and Vegetables
OMB No. 0579-0280**

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The United States Department of Agriculture is responsible for preventing plant pests and noxious weeds from entering the United States, preventing the spread of plant diseases not widely distributed in the United States, and eradicating those imported pests and weeds when eradication is feasible.

Under the Plant Protection Act (7 U.S.C. 7701 – 7772), the Secretary of Agriculture is authorized to carry out operations or measures to detect, eradicate, suppress, control, prevent, or retard the spread of plant pests not known to be widely distributed throughout the United States.

The regulations contained in Title 7 of the Code of Federal Regulations (CFR), Part 319 (Subpart-Fruits and Vegetables), Sections 319.56 through 319.56-8 implement the intent of this Act by prohibiting or restricting the importation of certain fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of fruit flies and other injurious plant pests that are new to the United States or not widely distributed within the United States.

These regulations are enforced by Plant Protection and Quarantine (PPQ), a program within USDA's Animal and Plant Health Inspection Service (APHIS).

APHIS amended the fruits and vegetables regulations to list a number of fruits and vegetables from certain parts of the world as eligible, under specified conditions, for importation into the United States. Some of the fruits and vegetables were already eligible for importation under permit, and are now specifically listed in the regulations. All of the fruits and vegetables, as a condition of entry, will be inspected and subject to treatment at the port of first arrival. In addition, some of the fruits and vegetables will be required to meet other special conditions. These actions will provide the United States with additional types and sources of fruits and vegetables while continuing to protect against the introduction of quarantine pests through imported fruits and vegetables.

APHIS is asking OMB to approve its use of this information collection, for 3 years, in connection with its program to restrict the importation of fruits and vegetables into the United States to prevent the spread of plant pests and diseases.

2. Indicate how, by whom, and for what purpose the information is used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Phytosanitary Certificate (Foreign) Consignments of *Alliums* pp. consisting of the whole plant or above ground parts must be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Canada with an additional declaration stating that the articles are apparently free from *Acrolepiopsis assectella* (Zeller).

Lemons from Chile that are eligible for importation must be accompanied by a phytosanitary certificate issued by NPPO stating the shipment is free of Medfly.

Citrus from New Zealand must be accompanied by a phytosanitary certificate issued by NPPO with an additional declaration stating the fruit in the shipment has been inspected and found free of *Cnephasia jactatana*.

Mangos originating from all approved areas must be accompanied by a phytosanitary certificate issued by the Republic of the Philippines Department of Agriculture that contains an additional declaration stating that the mangoes have been treated for fruit flies of the genus *Bactrocera* in accordance with the regulations set forth.

All shipments of citrus from the Bahamas must be accompanied by a phytosanitary certificate issued by the NPPO of the Bahamas with an additional declaration stating that the fruit originated in an area that is free of citrus canker.

All shipments of tomatoes from Chile must be accompanied by a phytosanitary certificate with an additional declaration stating the tomatoes were grown in an approved production site in Chile.

All shipments of pineapples from South Africa must be accompanied by a phytosanitary certificate.

Inspections – NPPO would be required to inspect and report on and certify the production sites of tomatoes monthly starting 2 months before harvest and continuing through the end of the shipping season.

Records - NPPO and SAG must maintain records of trap placements of any *Rhagoletis tomativae* or *Tuta absoluta* captures for 1 year for APHIS review. The SAG must maintain an APHIS approved quality control program to monitor or audit the trapping program.

Labeling - APHIS requires each shipment box to be labeled with the identity of the production site.

Trapping - Production sites located in a region of Chile where Medfly occurs would have to conduct trapping for Medfly; this trapping would not be required for Medfly-free regions of the country. Where trapping is necessary, APHIS would require McPhail traps with approved

protein bait be placed inside greenhouses at a density of 4 traps/10 ha, with a minimum of at least 2 traps per greenhouse. All traps would have to be checked on a weekly basis.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

APHIS has no control or influence over when foreign countries will automate phytosanitary certificates.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.

The information APHIS collects is exclusive to its mission in preventing the entry of injurious plant pests, diseases, and noxious weeds and is not available from any other source.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information APHIS collects in connection with this program is the minimum needed to protect growers nationwide from the entry and spread of plant pests and diseases.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If APHIS did not collect this information or collected it less frequently, the effectiveness of its Import Regulations would be severely compromised, likely resulting in the introduction of a number of destructive (and economically damaging) agricultural pests into the United States. The entry of such pests as fruit flies would result in millions of dollars in damage to American agriculture.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.

No special circumstances exist that would require this collection to be conducted in a manner inconsistent with the general information collection guidelines in 5 CFR 1320.5.

8. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting form, and on the data elements to be recorded, disclosed, or reported. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, soliciting comments on the information collection prior to submission to OMB.

In 2006, APHIS consulted individuals and representatives of foreign countries concerning information collections required by its program to import fruits and vegetables from foreign countries:

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APHIS' proposed rule (03-086-1) was published in the Federal Register on December 22, 2005, with a 60 day comment period. During that time, APHIS received 11 comments, none of which related to paperwork burden. APHIS' final rule (03-086-3) describes the information gathering requirements and will be finalized 30 days after the date of publication in the Federal Register. A copy of the Final Rule is attached.

9. Explain any decisions to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

This information collection activity involves no payments (other than appropriate, program-related payments) or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No additional assurance of confidentiality is provided with this information collection. However, the confidentiality of information is protected under 5 U.S.C.552a.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and others that are considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

This information collection activity asks no questions of a personal or sensitive nature.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated.

• **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.**

See APHIS Form 71 for hour burden estimates. They are estimates of shipments of commodities, based on discussions with growers, shippers, and foreign government officials.

• **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.**

Respondents are growers, shippers, and inspectors of regulated articles, including foreign government officials. APHIS estimates the total annualized cost to these respondents to be \$1,823,115 which is the estimated hours (121,541) multiplied by the estimated average hourly wage (\$15.00).

13. Provide estimates of the total annual cost burden to respondents or recordkeepers resulting from the collection of information, (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components: (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There is no annual burden associated with capital and start-up costs, maintenance costs, and purchase of services in connection with this program.

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

See APHIS Form 79 for the annualized cost to the Federal Government. This cost is based on the estimated average time required to process permit applications, certificates, and other documents associated with our Fruit and Vegetable Import Regulation. APHIS estimates these costs to be \$314,807.53.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

This is a new program which requires collection of information via foreign phytosanitary certificates, trapping, recordkeeping, labeling of boxes, and inspection by NPPO.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to tabulate or publish the information APHIS collects.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

There are no USDA forms associated with this information collection.

18. Explain each exception to the certification statement identified in the "Certification for Paperwork Reduction Act."

APHIS is able to certify compliance with all the provisions in the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.