

Supporting Statement  
Importation of Tomatoes from Spain,  
Chile, France, Morocco, and Western Sahara  
OMB Number 0579-0131

**A. Justification**

**October 2007**

**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 noxious 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 new to the United States (U.S.) or not known to be widely distributed throughout the U.S.

The regulations in Title 7 Code of Federal Regulations (CFR) Parts 319.56 through 319.56-8 prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests, including fruit flies. The Animal and Plant Health Inspection Service (APHIS) is responsible for ensuring that these regulations are enforced.

Implementing these regulations allows tomatoes from Spain, Chile, France, Morocco, and Western Sahara to be imported into the U.S. (subject to certain conditions). This action is necessary in order to protect the ripening, or ripe, tomatoes from infestation by the Mediterranean fruit fly (Medfly).

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

**Phytosanitary Certificates (Foreign)**

APHIS requires each shipment of pink or red tomatoes be accompanied by a phytosanitary certificate issued by the Moroccan Ministry of Agriculture, Fresh Product Export (EACCE). APHIS uses the information on this certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. This information is used as a guide to the intensity of the inspection that APHIS must conduct when the shipment arrives. Without this information, all shipments would need to be

inspected very thoroughly, thereby requiring considerably more time. This would slow the clearance of international shipments.

Plant health authorities in Spain, France, Morocco, Western Sahara, and Chile are responsible for conducting export certification inspections of each shipment of tomatoes destined for the U.S., and for issuing a phytosanitary that will accompany each shipment. The phytosanitary certificate certifies, among other things, that tomatoes are grown in registered greenhouses in a specified area of the exporting country.

### **Records of Trap Placement and Medfly Captures**

Plant health authorities in those countries with Mediterranean fruit fly must set and maintain Medfly traps inside and outside of those greenhouses where tomatoes are grown. Records of trap placement as well as any Medfly captures must be maintained and made available to APHIS upon request.

### **Recordkeeping**

Participating facilities must maintain records regarding trap placement and Medfly captures. The information APHIS collects serves as the supporting documentation needed to confirm that the tomatoes have been produced in accordance with the conditions set forth in the regulations. These records must be maintained for a period of 3 years.

**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 these 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 to prevent the introduction of exotic fruit flies into the U.S. 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 is the minimum needed to protect the U.S. from the potential introduction of exotic fruit flies into the country.

**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 this information is not collected, APHIS' ability to protect the U.S. from exotic insect pests would be severely compromised.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information 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 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 data 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 2007, APHIS held productive consultations with the following individuals concerning the information collection activities associated with its program to import tomatoes from Spain, Chile, France, Morocco, and Western Sahara:

Miguel Canala-Echeverria  
General Manager  
Association De Exportadores De Chile (ASOEX)  
Cruz del Sur 133, Piso 2  
Las Condes, Santiago, Chile  
Telephone: 56 2206-6604

Orlando Morales Valencia  
Chief, Plant Protection Department  
Servicio Agricolay Ganadero (SAG)  
Av. Bulness 140  
Santiago, Chile  
Telephone: 56 2696-8500

Moises Merida  
Commercial Attache'  
Embassy of Guatemala  
2220 R. St., NW  
Washington, DC 20008  
Telephone: (202) 332-7390  
Fax: (202) 332-7397

On Thursday, August 2, 2007, pages 42371 - 42372, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a 3-year renewal of this collection of information. No comments from the public were received.

**9. Explain any decision to provide any payment or gift to respondents, other than reenumeration 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.

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

The cost to the public is determined by multiplying the total number of burden hours times the wage per hour rate.  $\$17.45 \times 1704 = \$29,734.80$

\$17.45 is the hourly rate derived from the U.S. Department of Labor Bureau of Labor Statistics June 2005 Report-National Compensation Survey: Occupational Wages in the United States, August 2006. See <http://www.bls.gov/ncs/ocs/sp/ncb10832.pdf>.

**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 item 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 zero annual cost 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 expenses that would not have been incurred without this collection of information.**

See APHIS Form 79 for annualized cost to the Federal Government is \$11,336.51.

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

The number of responses increased from 2448 to 2478 due to the recordkeepers not being added.

**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 collections, explain the reasons that display would be inappropriate.**

There are no 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.