

**Supporting Statement  
Importation of Fruits and Vegetables  
OMB 0579-0128**

**INTRODUCTION**

**November 2007**

Collection 0236, Importation of Fruits and Vegetables – 12<sup>th</sup> Periodic Amendment, is being consolidated with this collection, 0128, as part of this renewal package. Since these two collections include the same regulations, it will be more efficient to have them consolidated into one collection.

**JUSTIFICATION**

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

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. APHIS' Foreign Quarantines (7 CFR Part 319) are issued under this authority.

The regulations in “Subpart-Fruits and Vegetables” (7CFR 319.56 through 319.56-47, referred to as the regulations) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and spread of plant pests that are new to or not widely distributed within the United States.

All of the fruits and vegetables, as a condition of entry, will be inspected and subject to treatment at the port of first arrival as may be required by an inspector. In addition, some of the fruits and vegetables would be required to meet other special conditions. Also, as a condition of this final rule, APHIS will recognize areas in Peru as free from the South American cucurbit fly. The actions of this final rule 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 in connection with APHIS' efforts 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.**

APHIS requires that some plants or plant products be accompanied by a phytosanitary inspection certificate that is completed by plant health officials in the originating or transiting country. 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 we 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.

**Phytosanitary Certificate** – A Phytosanitary Certificate must be issued by Mexico’s National Plant Protection Organizations as well as some countries within Central America (Costa Rico, El Salvador, Guatemala, Honduras, Nicaragua, and Panama) declaring that the fruit originated in an area designed in § 319.56-2(h) as free from pests, and upon inspection, was found free of D. neobrevipes and P. minor. These additional conditions would be necessary to assure that products originated in a fruit-fly-free area and were inspected and found free of the specified mealybugs.

All shipments must be accompanied by a phytosanitary certificate issued by the national Ministry of Agriculture stating that the papayas were grown, packed, and shipped in accordance with the provisions in § 319.56-2w.

**Labeling of Boxes** – The pest risk assessment indicates that there are no quarantine pests associated with the African horned cucumber fruit from Chile, therefore, under § 319.56-6 African horned cucumber from Chile may be imported into the United States. APHIS would require African horned cucumber from Chile to be shipped in boxes labeled “Not for importation or distribution in HI, PR, VI, or Guam.” APHIS would also require melon and watermelon from Peru to be shipped in boxes labeled “Not for distribution in HI, PR, VI, and Guam.” All shipments of melon and watermelon would have to be labeled in accordance with § 319.56-2(g), which applies to all imported fruits and vegetables. Section 319.56-2(g) states, in part, that the box of fruit imported into the United States must be clearly labeled with the name of the orchard or grove of origin, or the name of the grower; and the name of the municipality and State in which it was produced; and the type and amount of fruit it contains.

**Fruit Fly Monitoring/Recordkeeping:** Papaya fields in Brazil and Costa Rica must be regularly monitored for fruit fly activity. Plant health officials from the Ministries of Agriculture in both countries must set and maintain fruit traps in the fields where the papaya is grown. These employees must keep record of fruit fly finds for each trap and make these records available to APHIS inspectors for a period of 1 year.

**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 of 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.**

APHIS has no small entities involved in this information collection.

**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 APHIS Import Regulations would be severely compromised, likely resulting in the introduction into the United States of a number of destructive (and economically damaging) agricultural pests. 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.**

This information collection is conducted in a manner consistent with the guidelines established 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 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 2007, APHIS consulted individuals and representatives of foreign countries concerning information collection required by its program to import fruits and vegetables from foreign countries:

Miguel Canala-Echeverria  
General Manager  
Association De Exportadores De Chile (ASOEX)  
Cruz del Sur 133, Piso 2  
Las Condes, Santiago, Chile  
Tel. 56 2 206-6604

Moises Merida  
Commercial Attache`  
Embassy of Guatemala  
2220 R. St., NW  
Washington, DC 20008  
Voice (202) 332-7390  
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Thomas R. Young, Ph D  
Vice President  
Del Monte Fresh Produce  
2141 Sevilla Ave.  
Coral Gables, FL 33134  
(305) 520-8089

On Tuesday, September 25, 2007, pages 54418-54419, 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 decisions to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

This information collection activity involves no 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. These estimates 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.**

The cost to the public was determined by multiplying the total number of burden hours times the wage per hour rate. APHIS estimates that the average hourly wage is \$22.49.  
 $883 \times \$22.49 = \$19,858.67.$

The hourly rate was derived from the U.S. Department of Labor, Bureau of Labor Statistics, June 2003 Report – National Compensation Survey: Occupation Wages in the United States, July 2002. See [http://www.bls.gov/oes/current/ocs\\_nat.htm](http://www.bls.gov/oes/current/ocs_nat.htm)

**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 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 expense that would not have been incurred without this collection of information.**

The estimated cost to the Federal Government is \$29,446.36. See APHIS Form 79.

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

There is an adjustment of 382 hours. The previous total was 501 hours and the new total burden hours are 883. This is due to collection 0579-0236 (total hours 103) being folded into this current information collection. There is also a change in the hours per response from 0.160 to 1. This increases the total burden hours by 382.

**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 forms being used in this 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.