

April 2008

**Support Statement
Movement of Hass Avocados from Areas
Where Mexican Fruit Fly or Sapote Fruit Fly Exist
Docket No. APHIS 2006-0189
OMB NO. 0579-XXXX**

A. 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 prohibit or restrict the importation, entry, or movement of plants and plant pests, to prevent the introduction of plant pests into the United States or their dissemination within the United States.

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

The Mexican fruit fly regulations, contained in 7 CFR 301.64 through 301.64-10, and the sapote fruit fly regulations, contained in 7 CFR 301.99 through 301.99-10 (referred to as the regulations), were restricted to prevent the spread of the Mexican fruit fly (Anastrepha ludens) and the sapote fruit fly (Anastrepha serpentina), respectively, into noninfested areas of the United States. The regulations designate soil and a large number of fruits, nuts, vegetables, and berries as regulated article and impose restrictions on the interstate movement of those regulated articles from regulated areas.

APHIS is proposing to relieve some of the restrictions regarding the movement of Hass variety avocados. Specifically, APHIS is proposing to amend its domestic quarantine regulations to provide for the interstate movement of Hass avocados from Mexican fruit fly and sapote fruit fly quarantined areas under certificate if the fruit is safeguarded after harvest in accordance with specific

measures. APHIS is also proposing to amend its foreign quarantine regulations to remove trapping and bait spray requirements related to Anastrepha spp. fruit flies for imported Hass avocados from Mexico. These actions are necessary in light of recent research demonstrating the limited host status of Hass avocados to various species of fruit flies in the genus Anastrepha, including Mexican fruit fly and sapote fruit fly. This action would make its domestic and foreign requirements for movement of Hass avocados consistent. In addition, this action would relieve restrictions for Mexican Hass avocado producers as well as for domestic Hass avocado producers in the event of a Mexican fruit fly or sapote fruit fly quarantine in the United States.

APHIS is asking The Office of Management and Budget (OMB) to approve the use of this information collection, associated with its efforts to ensure that fresh Hass avocados from Mexico pose a negligible risk of introducing insect pests into the United States.

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.

Certificate (PPQ Form 540) - This is a certificate used for domestic movement of treated articles relating to quarantines. The form is issued by State plant health regulatory officials approved by the secretary.

A certificate will be required for the interstate movement of Hass avocados from Mexican fruit fly and sapote fruit fly quarantined areas if fruit is safeguarded after harvest in accordance with certain measures.

Field Records - Hass Avocados must be protected from fruit fly infestations during their movement from the orchard to the packinghouse and must be accompanied by a field record indicating the location of the orchard where the avocados originated. These records are required to be kept for a minimum of 2 years for APHIS review.

Clearly Identify Boxes by Field - Harvested Hass avocados must be placed in field boxes or containers of field boxes that are marked to show the location of the orchard. The

identity of the avocados must be maintained from field boxes or containers to the shipping boxes so the avocados can be traced back to the orchard in which they are grown.

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.

PPQ Form 540 is pressure sensitive and for security purposes not practicable for automation.

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 our mission to prevent the introduction of plant pests and plant diseases into the United States. The information 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 United States from infestation by avocado stem weevils, seed weevils, and seed moths.

Domestic Hass avocado producers potentially affected by this collection are considered small entities if they have annual receipts of not more than \$750,000. About 98 percent of avocado farms have less than 100 acres under production resulting in annual receipts of not more than \$750,000. However, APHIS has determined that there is no significant economic impact on a substantial number of small entities.

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.

Failing to collect this information would compromise our ability to ensure that fresh Hass avocados from Mexico are not harboring destructive insect pests that could cause millions of dollars in damage to U.S. agriculture. Failing to collect this information would also make it much more difficult to ensure that fresh Hass avocados from Mexico are shipped only to approved States, and not to areas in the southern and western United States where insect pests from Mexico could successfully establish themselves.

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 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 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.

Productive consultations occurred in 2007-2008 with the following individuals:

Dorothea Zadig
California Department of Food & Agriculture
Plant Health & Pest Prevention Services, Pest Exclusion
Branch
1220 N. St., Rm. A-372
Sacramento, CA 95815
(916) 653-1440

San Diego County Agriculture Commission
Attn: Kathleen Thuner
5555 Overhead Ave., Bldg 3
San Diego, CA 92123
(858) 694-2741

Tom Bellamore
Senior Vice President, Corporate Counsel
California Avocado Commission
(949) 341-1955

APHIS' proposed rule (APHIS-2006-0189) was published in the Federal Register on Wednesday, April 2, 2008, pages 17930-17935, and describes its information gathering requirements, and also provides a 60-day comment period. During this time, interested members of the public have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities being proposed.

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 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 were developed using historical data, calculated average number of permits requested, and discussions with field and industry personnel.

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

Total cost to respondents is computed by multiplying their average wage by the total number of hours needed to complete the work. $\$22.49 \times 403 \text{ hours} = \$9,063.47$.

See APHIS Form 71 for hour burden estimates.

The hourly rate is derived from the U.S. Department of Labor, Bureau of Labor Statistics June 2003 Report - National Compensation Survey; Occupational Wages in the United States, July 2002. See

<http://www.bls.gov/ncs/ocs/sp/ncb10539.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 the APHIS Form 79 for the annualized costs to the Federal Government (\$8,627.79).

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

This is a new program. APHIS is proposing to relieve some of the restrictions regarding the movement of Hass variety avocados.

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 collected.

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.

If forms were to be discarded because of an outdated OMB expiration date, but were otherwise usable, higher printing cost would be incurred by the Federal Government. Therefore, APHIS is seeking approval to not display the OMB expiration date on its forms.

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.