

Revised Nov 2008

SUPPORTING STATEMENT
OMB NO. 0579-0264
Importation of Fruits and Vegetables

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 (USDA), Animal and Plant Health Inspection Service (APHIS), is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act authorizes the Department to carry out this mission.

Under the Plant Protection Act (7 U.S.C. 7701 - 7772), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests.

Regulations contained in Title 7 of the Code of Federal Regulations, Part 319 (Subpart-Fruits and Vegetables), Sections 319.56 *et seq.* 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 currently allows the following fruits and vegetables from various countries to be imported under permit and subject to inspection and disinfection at the port of arrival. However, these fruits and vegetables are not specifically listed in the regulations: *Allium* spp., apple, artichoke, asparagus, avocado, banana, basil, blackberry, blueberry, bok choy, breadfruit, cassava, celeriac, celery, cherry, cichorium, citrus, cucumber, cucurbit, dasheen, dill, eggplant, genip, ginger root, husk tomato, lemon, lettuce, okra, oregano, papaya, pear, pepper, pineapple, pumpkin, raspberry, spinach, strawberry, swiss chard tamarind, tomato and turnip. Few quarantine pests have been detected on fruits and vegetables during inspection at the ports. APHIS therefore plans to add these fruits and vegetables to the list of fruits and vegetables in § 319.56-13, and 319.56-44. Fruits and vegetables listed in § 319.56-13 may be imported subject to inspection and disinfection at the port of arrival.

APHIS is asking OMB to approve this information collection activity, for 3 years, in connection with its use to prevent the spread of plant pests and plant diseases within 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.

Phytosanitary Certificate (foreign) – APHIS requires a phytosanitary certificate (foreign) to accompany plants imported into the United States issued by the national plant protection organization of the country in which fruits and vegetables were grown that declares that those requirements have been met. This information is used as a guide to the intensity of the shipment 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. To allow the entry of certain fruits and vegetables, each shipment must be accompanied by a phytosanitary certificate issued by Mexico’s national plant protection organization that contains additional declarations stating fruits and vegetables were grown in an area recognized by APHIS as free of Mediterranean fruit fly (Medfly, *Ceratitis capitata*).

Trapping Requirements – Trapping is conducted in the production sites for the fruit fly *Anastrepha serpentine* at the rate of 1 trap per 10 hectares with APHIS-approved traps and lures. The trapping program must be monitored under an APHIS-approved quality control program. If one *A. Serpentina* is trapped, at least 10 additional traps must be deployed in the 50 – hectare area immediately surrounding the trap in which the fruit fly was found. If within 30 days of the first finding any additional fruit flies are trapped, the production site will be suspended from exporting until APHIS agrees that phytosanitary measures taken have been effective.

Compliance Agreement (foreign) – Processing plants within the United States must enter into a compliance agreement with APHIS in order to handle grapefruit, sweet oranges, and tangerines imported from Mexico in accordance with § 319.56-44. APHIS will only enter into compliance agreements with facilities that handle and process grapefruit, sweet oranges, and tangerines from Mexico in such a way as to eliminate any risk that exotic fruit flies could be disseminated into the United States, as determined by APHIS.

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 protecting the United States against the incursion and spread of harmful plant pests 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.

No small businesses or other small entities are adversely impacted by the import permit, phytosanitary certification, and fruit fly survey requirements.

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.

This information collection activity is critical to its mission of preventing destructive plant pests from entering and spreading within the United States. Exotic plant pests are capable of causing millions of dollars in damage to U.S. agriculture.

If this information were not collected, it would seriously affect APHIS' ability to ensure that certain fruits and vegetables entering the United States from numerous countries do not harbor fruit flies or other insect pests that could cause serious 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 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 2007-2008, APHIS held productive consultations with the following individuals concerning this information collection:

Coleen Magro
Embassy of Brazil
3006 Massachusetts Ave., NW
Washington, DC 20008
(202) 238-2770

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

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

On Friday, May 9, 2008, page 26360, 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 were received from the public.

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. APHIS arrived at these estimates through discussions with U.S. importers of fruits and vegetables, as well as with various plant health officials in South America and Mexico.

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

Total cost to respondents is \$2,091 which is computed by multiplying the average hourly wage (\$17.00) by the total number of hours (123) needed to complete the work. See APHIS Form 71 for hour burden estimates.

The hourly wage was provided by USDA's Agricultural Specialist in Mexico via plant health officials.

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 for the Federal Government is \$ 4,835.64 (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 to this collection due to a correction in the number of respondents which has gone from 1 to 15. Also, the total burden hours previously reported was 22. However, burden hours for phytosanitary certificates should have been reported as 118, trapping records should have been reported as 3 burden hours, and compliance agreements were inadvertently omitted from burden but should have been included as 2 burden hours. Therefore, the total burden hours for this collection should be 123 which is an increase of 101 hours.

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

APHIS has no plans to publish this data.

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 collection of information.

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 employed in this information collection activity.