

December 2008

**SUPPORTING STATEMENT
Treatments for Fruits and Vegetables
OMB NO. 0579-0281**

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 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.

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.

The phytosanitary treatment regulations contained in Title 7 of the Code of Federal Regulations (CFR) Part 305 set out standards and schedules for treatments required in 7 CFR Parts 301, 318, and 319 for articles whose importation could introduce plant pests or noxious weeds into the United States or whose interstate movement could spread plant pests or noxious weeds within the United States. Within 7 CFR Part 305, the irradiation treatment subpart (§§ 305.31 through 305.34, referred to as the regulations) sets out standards and minimum doses for irradiation treatment for imported fruits and vegetables and for regulated articles moved interstate from quarantined areas within the United States, along with other requirements for performing irradiation treatments.

APHIS amended the fruits and vegetables regulations by revising the approved doses for irradiation treatment of imported fruits and vegetables. The regulations established a new minimum generic dose of irradiation for most plant pests of the class *Insecta*, established a new minimum generic dose for the fruit fly family, reduced the minimum dose of irradiation for some specific fruit fly species, added 10 pests to the list of pests for which irradiation is an approved treatment at less than the generic dose, and provided for the use of irradiation as a treatment for cut flowers and foliage.

APHIS is asking OMB to approve, for 3 additional years, its information collection activities associated with APHIS' efforts 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.

Limited Permit (PPQ 530) - A limited permit shall be issued by an inspector for the interstate movement of untreated bananas from Hawaii for treatment on the mainland United States in accordance with this section. To be eligible for a limited permit under 7 CFR, part 318.13-4i(b), bananas from Hawaii must be inspected in accordance with the requirements of this section prior to interstate movement from Hawaii.

Certificate (PPQ 540) – A certificate shall be issued by an inspector for the movement of bananas from Hawaii that have been treated and inspected in Hawaii in accordance with 7 CFR Part 318.13-4i(b). To be certified for interstate movement under this section, bananas from Hawaii must be treated, inspected, and, if necessary, culled in accordance with the requirements of this section prior to interstate movement from Hawaii.

Package, Marking and Identify – Sweet potatoes that are treated in Hawaii must be packaged in cartons that have no opening that will allow the entry of fruit flies and must be sealed with seals that will visually indicate if the cartons have been opened. Cartons may be constructed of any material that prevents the entry of fruit flies and prevents oviposition by fruit flies into the fruit in the carton. Packaging must be labeled with treatment lot numbers, packing and treatment facility identification and location, and dates of packing and treatment.

Written Request for Facility Approval – Persons requesting certification of an irradiation treatment facility must submit the request for approval in writing to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Center for Plant Health Science and Technology, 1730 Varsity Dr., Suite 400, Raleigh, NC 27606. The initial request must identify the owner, location, and radiation source of the facility, and the applicant must supply additional information about the facility construction, treatment protocols, and operations upon request if APHIS requires additional information to evaluate the request.

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.

Limited Permit (PPQ 530) is a pressure sensitive form and is not practicable for automation.

Certificate of Federal/State Domestic Quarantine (PPQ Form 540) is also a pressure sensitive form and is not practicable for automation due to security purposes.

A letter for request of facility approval can be automated by the respondent using a computer.

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.

The information APHIS collects is the minimum needed to protect the United States from destructive plant pests while increasing the number and variety of fruits and vegetables that can be imported from other countries. No small businesses or other small entities are adversely impacted by the import permit, phytosanitary certification, or 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 fruit 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 2008, APHIS held productive consultations with the following individuals concerning the information collection activities associated with its proposed rule:

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

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

Mr. Scott Berg
Director of International Trade
American Forest & Paper Association
1111 19th St., Ste. 800
Washington, DC 20036
(202) 463-2700

On Monday, June 30, 2008, pages 36838-36839, APHIS published in the Federal register a 60-day notice seeking public comments on its plans to request a 3-year renewal of this information collection. 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 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.**

Total cost to respondents is computed by multiplying their average hourly wage (\$22.49) by the total number of hours needed to complete the work (55 hours). See APHIS Form 71 for hour burden estimates. $\$22.49 \times 55 = \$1,236.95$.

The hourly rate is 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/ncbl0832.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 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 \$162.22 (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.

Although there is an increase in recipients from 17 to 23, there is a decrease of 200 hours due to the number of responses per respondent for package marking and identity dropping from 100 to 20. This lowered the total burden hours from 255 to 55.

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.

If forms were to be discarded because of an outdated OMB expiration date, but otherwise usable, this would result in higher printing costs to the Federal Government. Therefore, APHIS is seeking approval to not display the OMB expiration date on the 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 under the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not employed in this information collection activity.