

November 2008

**Supporting Statement
Importation of Eggplant From Israel
Docket No. APHIS-2007-0153
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.

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 *et seq.*), 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 or not known to be widely distributed throughout the United States.

The regulations in “Subpart-Fruits and Vegetables” (7 CFR Part 319.56-1 through 319.56-48, referred to as the regulation) 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 that are new to or not widely distributed within the United States.

The Israeli National Plant Protection Organization (NPPO) has requested that the Animal and Plant Health Inspection Service (APHIS) amend the regulations to allow fresh eggplant (*Solanum melongena* L.) to be imported from Israel into the continental United States.

APHIS is proposing to allow the importation of commercial shipments of fresh eggplant from Israel. As a condition of entry, the eggplant would be grown under a systems approach that would include requirements for pest exclusion at the production site, fruit fly trapping inside and outside the production site, and pest-excluding packinghouse procedures. The eggplant would also be required to be accompanied by a phytosanitary certificate issued by the Israeli NPPO with an additional declaration confirming that the eggplant has been produced in accordance with the proposed requirements. This action would allow for the importation of commercial consignments of fresh eggplant from Israel into the United States while continuing to provide protection against the introduction of quarantine pests.

APHIS is asking Office of Management and Budget (OMB) to approve its use of its information collection activities, associated with its efforts to prevent the spread of plant pests and plant diseases into the United States.

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.

Phytosanitary Certificate (foreign) 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 the 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 APHIS conducts 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.

Each consignment of eggplant must be accompanied by a phytosanitary certificate of inspection issued by the Israeli NPPO with an additional declaration reading as follows: “The eggplant in this consignment has been grown in an approved production site and inspected and found free of the pests listed in 7 CFR 319.56-50.”

Trapping Records – Trapping records must be maintained by Israeli NPPO’s and made available to APHIS for review upon request. These records are required to be kept for a period of 2 years.

Inspection of Pest-Exclusionary Structures by Israeli NPPO’s – The pest-exclusionary structures would also have to be inspected monthly for the six quarantine pests listed earlier by the Israeli NPPO or its approved designee, beginning 2 months before harvest and continuing for the duration of the harvest. APHIS would have to be granted access in order to monitor or inspect the pest-exclusionary structures during this period as well. If, during these inspections, quarantine pests were found inside the pest-exclusionary structure, the Israeli NPPO would have to immediately prohibit that pest-exclusionary structure from exporting eggplants to the continental United States and notify APHIS of the action. The prohibition would remain in effect until the Israeli NPPO and APHIS agree that the risk has been mitigated.

Labeling of Boxes – The eggplant would have to be packed for shipment to the continental United States in either individual insect-proof cartons/boxes labeled with the specific place or non-insect-proof cartons/boxes would have to be placed in shipping containers that have identification labeling indicating the specific place of origin. Labeling the cartons/boxes and/or containers with the place of origin would facilitate traceback if necessary and help ensure that only shipments from approved-pest-exclusionary structures are shipped to the continental United States.

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 their forms.

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.

The information APHIS collects in connection with its program is the minimum needed to protect the United States from plant pests and diseases from entering into the United States. APHIS has determined that approximately 50 percent of the respondents are 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 cripple APHIS' ability to ensure that eggplant from Israel is not carrying plant pests. If plant pests (such as Ceratitis capitata, and Helicoverpa armigera) were introduced into the United States, growers would suffer hundreds of millions of dollars in losses.

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.

No special circumstances exist that would 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 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 program to import commercial shipments of fresh eggplant from Israel.

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Carmel Agrexco
121 Hahashmonaim St., 67133 Tel Aviv, Israel
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APHIS' proposed rule (Docket No. APHIS-2007-0153) will describe its information gathering requirements and also provide a 60-day comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities APHIS is proposing.

9. Explain any decisions 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 total burden hours to the respondents is 85 hours. APHIS arrived at this figure by multiplying the total hours (85) by the estimated average hourly wage of the above respondents (\$23.95).

$85 \times \$23.95 = \$2,035.75.$

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/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 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 \$419.33. (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.

This is a new program. APHIS is proposing to allow the importation of commercial shipments of fresh eggplant from Israel into the United States under certain conditions.

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 collection, explain the reasons that display would be inappropriate.

There are no USDA 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.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.