

February 2009

**Supporting Statement
Importation of Peppers from Certain Central
American Countries
OMB NO. 0579-0274**

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 – 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 new to the United States or not known to be widely distributed throughout the United States.

The regulations in “Subpart – Fruits and Vegetables” (Title 7, Code of Federal Regulations (CFR) 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 dissemination of plant pests that are new to or not widely distributed within the United States.

The fruits and vegetables regulations were amended to allow certain types of peppers grown in approved registered production sites in Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to be imported, under certain conditions, into the United States without treatment. This action was necessary for the importation of peppers from those countries in Central America while continuing providing protection against the introduction of quarantine pests into the United States.

APHIS is asking the Office of Management and Budget (OMB) to approve, for three additional years, its use of this information collection activity, 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.

Inspection by National Plant Protection Organization (NPPO) (Pre-Harvest) - A pre-harvest inspection of the production site would be conducted by the NPPO for the detection of

Medfly. If Medfly is found to be generally infesting the production site, the NPPO would not allow export from that production site until it is determined that risk mitigation is achieved. For other pests of concern, the production site would have to be inspected prior to harvest, and if any of these pests or any other quarantine pests are found to be generally infesting the area, the NPPO would not allow export from that production site until risk mitigation has been achieved.

Phytosanitary Certificate (foreign) – The exporting country’s NPPO is responsible for export certification, inspection, and issuance of phytosanitary certificates. Each shipment of peppers must be accompanied by a phytosanitary certificate issued by the NPPO and bear the declaration, “These peppers were grown in an area recognized to be free of Medfly, and the shipment has been inspected and found free of the pests listed in the requirements.”

Labeling of Boxes – Boxes containing peppers from Certain Central American Countries must be labeled with the identity of the production site.

Trapping Records/Monitoring – The exporting country’s NPPO must maintain records of trap placement, checking of traps, and any Medfly captures. The exporting country’s NPPO must maintain an APHIS-approved quality control program to monitor or audit the trapping program. The trapping records must be maintained 3 years for APHIS’ review.

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 phytosanitary certificate.

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 this program is the minimum needed to protect the United States from insect pests such as the Mediterranean fruit fly from entering the United States. Domestic producers and importers that may be affected by this information collection are predominantly small entities (approximately 80 percent).

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 peppers and tomatoes from Central America are not carrying fruit flies. If Medfly is introduced into pepper growing areas of the United States, growers in these areas 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 peppers from Central American 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

Orlando Morales Valencia
Chief, Plant Protection Department
Servicio Agricolay Ganadero (SAG)
Av. Bulness 140
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Tel. 56 2696-8500

Luis Fuentes
Preclearance Program Coordinator
USDA, APHIS, IS
US Embassy Santiago
Andres Bello 2800
Las Condes, Santiago, Chile
Tel. 56 2 330-3725

On Tuesday, September 2, 2008, pages 51265-51266, APHIS posted 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 (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.

Respondents are growers, National Plant Protection Organizations, and shippers. The total burden hours to the respondents are 2,999. APHIS arrived at this figure by multiplying the total hours by the estimated average hourly wage of the above respondents.

$$2,999 \times \$10.35 = \$31,039.65$$

The hourly rate is derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2008 Report – Occupational Employment and Wages in the United States. See <http://www.bls.gov/oes/>

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 \$ 175,754.01. (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.

The total burden hours remain the same. However, the number of respondents and annual responses differ from the last submission due to a miscalculation of the number of respondents and an overestimation of the annual responses due to a recordkeeping error.

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.