

SUPPORTING STATEMENT
Andean Trade Preferences
Emergency Relief from Perishable Product Imports

1. Circumstances that make the collection of information necessary.

The Andean Trade Preference Act (the “Act”)(19 U.S.C. 3201, et seq.) was signed into law on December 4, 1991 and expired December 4, 2001. Section 3104 of H.R. 3009, the “Trade Act of 2002” amended section 208(b) of the Act to extend the termination date to December 31, 2006, retroactive to December 4, 2001. The Act authorizes the President to provide duty-free treatment to imports from Bolivia, Colombia, Ecuador, and Peru, except for those few products specifically excluded. Section 3101 of H.R. 3009, provides that short title of this Act be cited as “Andean Promotion and Drug Eradication Act”.

Emergency Relief: Section 204(e) of the Act provides that if a petition for import relief from increased injurious imports of perishable agricultural products filed with the U.S. International Trade Commission (ITC) under section 201 of the Trade Act of 1974, as amended (19 U.S.C. 2251 et seq.), a petitioner may also request that the Secretary of Agriculture recommend to the President that temporary emergency import relief be granted. Emergency relief is limited to a temporary suspension of duty-free tariffs on specific perishable products and restoration of the MFN tariffs during the period the ITC is conducting a section 201 investigation. Section 3103(a) of H.R. 3009 amended section 204(e) of the Act to renumber section 204(e) as section 204(d).

Petitions for emergency relief may be filed with the Foreign Agricultural Service (FAS) of the Department of Agriculture in accordance with 7 CFR 1540, Subpart C. The regulation sets forth the procedures and requirements to permit an entity (representative of a domestic industry producing a perishable product) to file a petition for emergency relief. The regulation states that such requests shall be supported by appropriate information and data and that the information collection should support the requested action.

2. Purpose and actual use of an information collection.

An information collection provides essential data and economic information for use by the FAS, and the Agricultural Marketing Service, and other agencies within the Department in preparing recommendations for the Secretary to assist the Secretary in fulfilling the legal obligations in an effective and timely manner. To date, no petition has been filed.

3. Use of automated, electronic, mechanical or other technological collection techniques and consideration of such techniques.

The information collection is required under 7 CFR 1540.43 as part of a petition filed under the regulation for emergency relief. The collection technique maintains the lowest necessary level of paperwork burden for a respondent. The use of technological collection techniques is not being considered. The anticipated limited use of the regulation would not justify the cost of establishing an automated program.

4. Efforts to identify duplication.

FAS only collects this information regarding the immediate market situation, e.g., monthly, weekly, and/or daily data for imports, production, prices and other economic indicators of serious import injury relative to a representative time period.

5. Impact on small businesses.

The information collection is not expected to originate from small businesses or entities. Trade associations or entities not defined as small businesses generally file petitions, which also serve the interests of small businesses.

6. Consequences if the information collection is not conducted.

The information collection is necessary to determine eligibility to obtain benefits under the Act. Without the information collection, the Department would have an extremely short period of time in which to: (1) identify/define the perishable products which are alleged to be entering in increased quantities; (2) compile the necessary data; (3) analyze the effects of imports on the U.S. industry; and (4) determine whether emergency relief is warranted in terms of the criteria set forth in the Act. If the collection of information were not conducted, the Department might not have sufficient information on which to justify a recommendation for emergency action which might otherwise have been warranted.

7. Special circumstances requiring – reporting more than quarterly; response to a collection in less than 30 days; submissions of more than original and two copies of documents; record keeping for more than three years, additional statistical surveys and classifications; submissions or proprietary/confidential information.

There are no special circumstances..

8. Federal Register notice required by 5 CFR 1320.8(d) and efforts to consult with persons outside the agency regarding the information collection.

A notice was published in the Federal Register on March 5, 2009 (74 FR 9587) which provided for a 60-day comment period. No comments were received.

9. Payments or gifts to respondents.

No payments or gifts were offered.

10. Assurance of confidentiality for respondents.

The information requested under the regulation is not of a confidential nature. If a petitioner were to submit information and request that it not be disclosed outside the Department, that request would be handled in the same manner as business confidential information.

11. Justification for questions of a sensitive nature.

The information requested under the regulation is not of a sensitive nature.

12. Estimate of the hour burden of the information collection.

As indicated in the following table the estimated number of respondents is one; frequency of response is one, the aggregate annual reporting burden is 23 hours, and the aggregate cost for respondents is \$533. The estimates are based on the fact that the information

collection request is for standard information regarding a petitioner’s business, market data which an applicant would have obtained in the normal conduct of business, and data collected in tandem with the information collection for a section 201 petition. The annual burden is also based on our experience with other similar requirements of this nature. There is no change or adjustment from the previously reported estimated annual reporting burden.

Table: Estimated Annual Reporting Burden for Respondents

	Hours	Cost (\$)
Analytical work and data collection	20	515
Administrative work, equipment, delivery, etc	3	34
Estimated burden per respondent	23	548
Estimated burden per 1 respondents	23	548

13. Estimate of dollars spent for capital start up costs.

There is no capital start up costs.

14. Estimate of dollar cost to the Federal Government.

The annual cost to the Federal Government is estimated at \$2,500 and is attributed to salary costs for administering the Act.

15. Reasons for program changes or adjustments in item 13/14 of OMB form 83-1.

There are no changes or adjustments.

16. Plans for tabulation and publication of the information collection.

There are no plans for tabulation and publication.

17. Reasons for seeking approval not to display the expiration date.

There is no request.

18. Explain exceptions to the certification statement in item 19 on OMB form 83-1.

There are no exceptions.