

Revised June 2009
Supporting Statement
Revision of Fruits and Vegetables
Import Regulations
OMB No. 0579-0293

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, Animal and Plant Health Inspection Service (APHIS), 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 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 not known to be widely distributed throughout the United States.

The regulations contained in Title 7 of the Code of Federal Regulations (CFR), Part 319 (Subpart-Fruits and Vegetables), Sections 319.56 through 319.56-47, 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.

On July 18, 2007, APHIS published a final rule (docket no. APHIS 2005-0106) FR volume 72, 39482-39528, to revise and reorganize the regulations pertaining to the importation of fruits and vegetables to consolidate requirements of general applicability and eliminate redundant requirements, update terms and remove outdated requirements and references, update the regulations that apply to importations into territories under U.S. administration, and make various editorial and nonsubstantive changes to regulations to make them easier to use.

APHIS also made substantive changes to the regulations including: (1) establishing criteria within the regulations that, if met, would allow APHIS to approve certain new fruits and vegetables for importation into the United States and to acknowledge pest-free areas in foreign countries without undertaking rulemaking; (2) doing away with the practice of listing specific commodities that may be imported subject to certain types of phytosanitary measures; and (3) providing for the issuance of special use permits for fruits and vegetables. These changes were intended to simplify and expedite our processes for approving certain new imports and pest-free areas while continuing to allow for public participation in the processes.

APHIS is asking OMB to approve, for an additional three years, its use of this information collection associated with APHIS' program to restrict the importation of fruits and vegetables into the United States to prevent the spread of plant pests and diseases.

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.

Permit Applications (PPQ Form 587) – Permit applications must be submitted in hard copy (hand written) or in electronic format in advance of the proposed importation. Applications must state the country or locality of origin of the fruits or vegetables, the anticipated port of first arrival, the name and address of the importer in the United States, and the identity (scientific name preferred) and quantity of the fruit or vegetable.

Inspection - All imported fruits and vegetables are subject to inspection, are subject to such disinfection at the port of arrival as may be required by an inspector, and are subject to reinspection at other locations at the option of an inspector. Oral permits may be issued for commercial consignments of fruits and vegetables that are not accompanied by a written permit upon arrival in the United States if all applicable entry requirements are met and proof of application for a written permit is supplied to an inspector.

Phytosanitary Certificate (foreign) – APHIS requires consignments of agricultural commodities that are treated outside the United States to be accompanied by a phytosanitary certificate issued by an official of the National Plant Protection Organization (NPPO) of the exporting country certifying that treatment was applied in accordance with APHIS regulations. APHIS would require that the phytosanitary certificate be provided when the commodity is offered for entry into the 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.

PPQ Form 587 is posted, fillable, and downloadable at: <http://www.aphis.usda.gov/library>

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 in 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.

No small businesses or other small entities are adversely impacted by this information collection.

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.

If APHIS did not collect this information or collected it less frequently, the effectiveness of its import regulations would be severely compromised, likely resulting in the introduction of a number of destructive (and economically damaging) agricultural pests into the United States. The entry of such pests (i.e., fruit flies) would result in millions of dollars in 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.

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 2008-2009, APHIS consulted individuals and representatives of foreign countries concerning information collection required by its program to import fruits and vegetables from foreign countries:

Moises Merida
Commercial Attaché
Embassy of Guatemala
2220 R. St., N.W.
Washington, DC 20008
Tel. 202-332-7390
Fax 202-332.7397
trade@guatemala-embassy.org

Stephen Prothero

General Manager
Australian Government
Tel. 02 6272 4538
Steve.prothero@daff.gov.au

Thomas R. Young, Ph. D
Vice president
Del Monte Fresh Produce
2141 Sevilla Ave
Coral Gables, FL 33134
Tel. 305-520-8089

On Friday, December 19, 2008, pages 77593-77594, 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 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 83-1.

See APHIS Form 71 for hour burden estimates. The estimates of shipments are based on discussions with importers, exporters, and NPPO's.

• 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, shippers, and inspectors of regulated articles, including foreign government officials. APHIS estimates the total annualized cost to these respondents to be \$63,885.44 which is the estimated hours (2,768) multiplied by the estimated average hourly wage (\$23.08).

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.

See APHIS Form 79 for annualized cost to the Federal Government. This cost is based on the estimated average time required to process permit applications, certificates, and other documents associated with APHIS' Fruit and Vegetable Import Regulations. APHIS estimates these costs to be \$26,837.39.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-1.

There is no change in burden hours for this collection.

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.

PPQ Form 587 is used in several collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

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.