

August 2009

**Supporting Statement  
Importation of Tomatoes from  
Certain Central American Countries  
OMB No. 0579-0286**

**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” (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.

APHIS allows certain types of tomatoes grown in approved registered production sites in Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua to be imported into the United States with treatment. The conditions are designed to prevent the introduction of quarantine pests into the United States, including trapping, pre-harvest inspection, and shipping procedures. This is allowed for the importation of pink and red tomatoes from those countries in Central America while continuing providing protection against the introduction of quarantine pests into the United States.

APHIS is asking 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.**

**Phytosanitary Certificate** (foreign) – The exporting country’s National Plant Protection Organization (NPPO) is responsible for export certification, inspection, and issuance of phytosanitary certificates. Each shipment of tomatoes must be accompanied by a phytosanitary certificate issued by the NPPO and bearing the declaration, “These tomatoes 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.”

**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.

**Labeling of Boxes** – Shipping boxes must be labeled with the identify of the production site.

**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 not control or influence over when foreign countries will automate phytosanitary certificates.

**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 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. APHIS has determined that 15 percent of the total 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 tomatoes from Central America are not carrying fruit flies. If Medfly is introduced into tomato 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 2008-2009, APHIS held productive consultations with the following individuals concerning the information collection activities associated with its program to import tomatoes from Central American countries:

GPA Morocco  
325 Av Hassan II Agadir-Maroc  
Tel: 212288459 06/07  
Fax: 21228845905  
President: KABBAGE Tariq  
Directeur general: OUGUELLIT Abdelkrim  
Directeur commercial: CHARROUG Abdellah

Delassue  
9, Rue Khalid Ben Oualid Ain Sebaa – Cassablanca  
Tel: 212 22 35 39 06  
Fax: 212 22 35 33 98  
President: BENNANI SMIRES Kacem  
Responsible commercial: CHARRAT Fatiha

Idyl French Morocco Consortium  
18, Rue de Madrid-Agadir-Maroc  
Tel: 212 28 82 19 25  
Fax: 212 28 84 32 14  
President: TAZU Momomed  
Directeur: PUECH Pierrick

On Thursday, March 12, 2009, 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. One comment was received; however, it was a general comment in favor of the notice and it did not deal with paperwork burden.

**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 Central America, National Plant Protection Organizations, and shippers. The total burden to the respondents is 287 hours. APHIS arrived at this figure by multiplying the total hours by the estimated average hourly wage of the above respondents.  $287 \times \$9.00 = \$2,583$ .

The hourly rate was developed using historical data, calculated average certificates, and discussions with NPPO's and growers of tomatoes from Central American countries.

**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 \$6,359.90 (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.**

Previous burden hours totaled 25,936. There is an adjustment of -25,649 burden hours and -2,181,692 annual responses for the following reasons: the only country currently shipping tomatoes is Guatemala; the countries of Costa Rica, El Salvador, Honduras, Nicaragua, and Panama are presently not shipping tomatoes because transportation/fuel costs have gone up as well as production costs in these countries. These reasons are why Guatemala is currently the only country shipping tomatoes and accounts for the decrease of 7,537 hours. Also, the pre-harvest inspections were inadvertently included in the last approval process which accounted for 18,112 hours in the previous submission. There was no paperwork associated with the inspections.

**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 in 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.