

January 2009

**Supporting Statement
Importation of Hass Avocados from Peru
Docket No. 08-126-1
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 pests and weeds new to the United States or not known to be 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 prohibit or restrict the importation, entry, or movement of plants and plant pests, to prevent the introduction of plant pests into the United States or their dissemination within the United States.

The regulations in "Subpart-Fruits and Vegetables" (7 CFR 319.56-1 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 is proposing to amend the fruits and vegetables regulations to allow the importation of Hass avocados from Peru into the continental United States. As a condition of entry, Hass avocados from Peru would have to be produced in accordance with a systems approach that would include requirements for importation in commercial consignments; registration and monitoring of places of production and packinghouses; grove sanitation; pest-free areas or trapping for fruit flies; surveys for the avocado seed moth; and inspection for quarantine pests by the national plant protection organization of Peru. Hass avocados from Peru would also be required to be accompanied by a phytosanitary

certificate with an additional declaration stating that the avocados were grown, packed, and inspected and found to be free of pests in accordance with the proposed requirements.

This action would allow for the importation of Hass avocados from Peru into the United States while continuing to provide protection against the introduction of quarantine pests.

APHIS is asking The Office of Management and Budget (OMB) to approve the use of this information collection activity, associated with APHIS' efforts to ensure that fresh Hass avocados from Peru pose a negligible risk of introducing exotic insect pests into the United States.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Phytosanitary Certificate W/Declaration

To certify that the Hass avocados from Peru have been grown and packed in accordance with the requirements of proposed § 319.56-48, proposed (j) would require each consignment of Hass avocados imported from Peru into the United States be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPP0) of Peru with an additional declaration stating that the avocados in the consignment were grown, packed, inspected, and found to be free of pests in accordance with the requirements of proposed § 319.56-48.

Workplan

Paragraph (a)(1) would require the NPP0 of Peru to provide a workplan to APHIS that details the activities that the NPP0 of Peru will carry out to meet the requirements of proposed § 319.56-48. This workplan must be approved by APHIS.

Packing Houses Registered by NPPOs

Paragraph (a)(3) would require the avocados to be packed for export to the United States in packinghouses that are registered with the NPPO of Peru and that meet the packinghouse requirements for fruit origin, pest exclusion, cleaning, safeguarding, and identification that are described later in this document.

Paragraph (b)(1) would require the NPPO of Peru to visit and inspect registered places of production monthly to verify that the growers are complying with the requirements for groves, sanitation, and surveys for the avocado seed moth. The NPPO of Peru would also have to verify that the growers are complying with the trapping requirements and would have to certify that each place of production has effective fruit fly programs.

Recordkeeping

The NPPO of Peru would have to keep records of fruit fly detections for each trap and update the records each time the traps are checked. NPPO's of Peru would be required to retain all forms and documents related to export program activities in groves and packinghouses for a least 1 year and, as requested, provide them to APHIS for review. Such forms and documents would include (but would not necessarily be limited to) fruit fly trapping records, avocado seed moth survey records, inspection records, and treatment records.

Trust Fund

NPPO's of Peru must establish a trust fund in accordance with § 319.56-6 to cover the cost incurred by APHIS when APHIS personnel must be physically present in an exporting country or region to facilitate exports.

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 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 to prevent the introduction of plant pests and plant diseases into the United States. The information 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 infestation of the avocado seed moth. There are no small entities involved in 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.

Failing to collect this information would compromise APHIS' ability to ensure that fresh Hass avocados from Peru are not harboring destructive insect pests that could cause millions of dollars in damage to U.S. agriculture

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with the general information guidelines in 5 CFR 1320.5.

No special circumstances exist that require APHIS' 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 data 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.

Productive consultations occurred in 2008 with the following individuals:

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APHIS' proposed rule (Docket No. APHIS-2008-0126) 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 decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

This information collection activity involves no 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. These estimates were developed using historical data, calculated average number of permits requested, and discussions with field and industry personnel.

. Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

Total cost to respondents is computed by multiplying their average wage by the total number of hours needed to complete the work. $\$23.95 \times 307 \text{ hours} = \$7,352.65$.
See APHIS Form 71 for hour burden estimates.

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 item 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 expenses that would not have been incurred without this collection of information.

See APHIS Form 79 for the annualized cost to the Federal Government (11,103.97).

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

This is a new program. APHIS is proposing to amend the fruits and vegetables regulations to allow the importation of Hass avocados from Peru into the continental United States.

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 collections, 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 of the provisions in the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.