

December 2010

Supporting Statement
Interstate Movement of Fruit from Hawaii
OMB Number 0579-0331

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 (USDA) is responsible for preventing plant diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act authorizes the Department to carry out this mission.

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 Hawaii fruits and vegetables regulations, contained in 7 CFR 318.13-1 through 318.13-25 (referred to as the regulations), govern, among other things, the interstate movement of fruits and vegetables from Hawaii. These regulations are necessary to prevent the spread of plant diseases and pests that occur in Hawaii but not on the mainland United States. The regulations in §318.13-4 identify specific fruits and vegetables that are not allowed to be moved interstate from Hawaii if, among other things, they are treated with irradiation in accordance with APHIS' phytosanitary treatment regulations in CFR part 305.

APHIS revised the Hawaiian fruits and vegetables regulations to allow mangosteen, dragon fruit, melon, pods of cowpea and its relatives, breadfruit, jackfruit, and fresh drumstick tree pods to be moved interstate from Hawaii under certain conditions. This action allows the movement of these tropical fruits from Hawaii to the mainland United States while continuing to provide protection against the spread of plant pests from Hawaii into the continental United States.

APHIS is asking OMB to approve, for an additional 3 years, the use of these information collection activities associated with its effort to prevent the spread of plant pests and diseases into the continental 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.

Certificates (PPQ Form 540) – An inspector will issue a certificate for the interstate movement of fruits and vegetables treated and handled in Hawaii.

Limited Permit (PPQ Form 530) – An inspector will issue a limited permit for the interstate movement of untreated fruits and vegetables from Hawaii for irradiation treatment on the mainland United States.

The information being collected on both of these forms is to prevent the interstate spread of a number of destructive and economically damaging agricultural pests.

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 540 (Certificate of Federal/State Domestic Quarantine) is a pressure sensitive form with serial numbers and is determined by APHIS to not be practicable for automation.

PPQ Form 530 (Limited Permit) is also a pressure sensitive form with serial numbers and is not practicable for automation.

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 incursion or interstate spread of 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 growers nationwide from the interstate spread of plant pests and diseases. APHIS has determined 100 percent of the 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.

If APHIS did not collect this information or collected it less frequently, the effectiveness of APHIS' Hawaiian fruits and vegetables quarantine programs would be severely compromised, likely resulting in the interstate spread of a number of destructive and economically damaging agricultural pests. The spread of such pests as the melon fruit fly and the oriental fruit fly 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.

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**
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There are no special circumstances associated with this information collection. This collection is conducted in a manner consistent with the guidelines established 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.

The following individuals were consulted during 2010:

Hawaii Pride, LLC
John Clark, Owner
16-664 Milo St.
Keaau, HI
808-982-8880

Hawaii Tropical Fruit Growers
Ken Love
Kurtistown, HI 96760
808-969-7926

Aloha Shoyu Company LTD
Brian Tanigawa, President
96-1205 Waihona St.
Pearl City, HI 96782
808-456-8760
Fax 808-456-3508

On Thursday, July 15, 2010, page 41139, 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 decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

This information collection 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 was 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 asks no questions of 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 include Federal Animal and Plant Health Inspection Officials and importers of fruits and vegetables. APHIS estimates the total annualized cost to these respondents to be \$12,594.95. APHIS arrived at this figure by multiplying the total burden hours (545) by the average hourly wage (\$23.11). The hourly wage was provided per discussions with importers of fruits and vegetables and USDA's Agricultural program specialist within APHIS.

545 (burden hours) X \$23.11 (hourly average wage) = \$12,594.95

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/news.release/ocwage.t03.htm>

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 associated with capital and start-up, operation and maintenance, 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 to the Federal Government is \$19,953 (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-I.

There is no change in burden 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 530 and 540 are used in multiple collections; therefore, it is not practical to include an OMB expiration date because of the various dates for each collection. APHIS is seeking approval not to display the OMB expiration date on these forms.

18. Explain each exception to the certification statement identified in the “Certification for Paperwork Reduction Act.”

APHIS certifies compliance with all the provisions under the Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.