

**Supporting Statement
Importation of Fruits and Vegetables
OMB 0579-0128**

JUSTIFICATION

June 2011

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), Animal and Plant Health Inspection Service (APHIS) 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.

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. APHIS' Foreign Quarantines (7 CFR Part 319) are issued under this authority.

The regulations in “Subpart-Fruits and Vegetables” (7CFR 319.56 through 319.56-50), referred to as the regulations, allow a number of fruits and vegetables to be imported into the United States under specified conditions from certain parts of the world.

Importation of papayas from certain regions of Brazil, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama into the continental United States, Alaska, Puerto Rico, and the United States Virgin Islands requires the use of certain information collection activities, including phytosanitary certificates, maintaining fruit fly monitoring records, and the labeling of boxes.

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.

APHIS requires that some plants or plant products be accompanied by a phytosanitary inspection certificate that is completed by plant health officials in the originating or transiting country. APHIS uses the information on this certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. This information is used as a guide to the intensity

of the inspection that APHIS must conduct when the shipment arrives. Without this information, all shipments would need to be inspected very thoroughly, thereby requiring considerably more time. This would slow the clearance of international shipments.

Phytosanitary Certificate (foreign government) - A Phytosanitary Certificate must be issued by Mexico's National Plant Protection Organizations as well as some countries within Central America (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama) declaring that the fruit originated in an area designated in § 319.56-2(h) as free from pests, and upon inspection, was found free of D. neobrevipes and P. minor. These additional conditions would be necessary to ensure that products originated in a fruit fly, free area, and were inspected and found free of the specified mealy bugs.

All shipments must be accompanied by a phytosanitary certificate issued by the National Ministry of Agriculture stating that the papayas were grown, packed, and shipped in accordance with the provisions in § 319.56-25(k).

The fruit in Peru must have been grown in an area considered by APHIS to be pest free of the South American cucurbit fly, and must be accompanied by a phytosanitary certificate declaring its origin in such an area, and must be safeguarded and labeled in accordance with § 319.56-5(e)(2).

Fruit Fly Monitoring/Recordkeeping (foreign government) - Papaya fields in Brazil and Costa Rica must be regularly monitored for fruit fly activity. Plant health officials from the Ministries of Agriculture in both countries must set and maintain fruit traps in the fields where the papaya is grown. These employees must keep records of fruit fly finds for each trap and make these records available to APHIS inspectors for a period of 1 year.

Labeling of Boxes (business) - The pest risk assessment indicates that there are no quarantine pests associated with the African horned cucumber fruit from Chile; therefore, under § 319.56-6 African horned cucumber from Chile may be imported into the United States. APHIS would require African horned cucumber from Chile to be shipped in boxes labeled "Not for importation or distribution in Hawaii, Puerto Rico, Virgin Islands, or Guam." APHIS would also require melon and watermelon from Peru to be shipped in boxes labeled "Not for distribution in Hawaii, Puerto Rico, Virgin Islands, and Guam." All shipments of melon and watermelon would have to be labeled in accordance with § 319.56-5, which applies to all imported fruits and vegetables. Section 319.56-5(e) states that the box of fruit imported into the United States must be clearly labeled with the name of the orchard or grove of origin, or the name of the grower; the name of the municipality and State in which it was produced; and the type and amount of fruit it contains.

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 these 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 introduction of plant pests and plant diseases. APHIS has 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.

If APHIS did not collect this information or collected it less frequently, the effectiveness of APHIS' Import Regulations would be severely compromised, likely resulting in the introduction into the United States of a number of destructive (and economically damaging) agricultural pests. The entry of pests such as 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.

- **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 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.**

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 1325.9.

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 2011, APHIS consulted with the following individuals and representatives of foreign countries engaged in the importation of fruits and vegetables:

Dekalb Farmers Market
3000 East Ponce De Leon Avenue
Decatur, GA 30030
(404) 371-3924

New Limeco
25251 SW. 139th Avenue
Princeton, FL 33092
(305) 258-1611

Invest Cap Incorporated
8190 NW 84 Street
Medley, FL 33166
(305) 889-1734

On Tuesday, March 15, 2011, page 13971, 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 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. Any and all information obtained in this collection shall not be disclosed except in accordance with 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.**

The cost to the public was determined by multiplying the total number of burden hours by the wage per hour rate. APHIS estimates the average hourly wage to be \$11.00.
 $200 \times \$11.00 = \$2,200.$

The hourly wage was provided by an APHIS International Services Agricultural Attache who services Guatemala, El Salvador, and Belize.

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 to the Federal Government is \$3,722. 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.

	Requested	Program Change Due to New Statute	Program Change Due to Agency Discretion	Change Due to Adjustment in Agency Estimate	Change Due to Potential Violation of the PRA	Previously Approved
Annual Number of Responses	900	0	0	-134	0	1,034
Annual Time Burden (Hr)	200	0	0	-683	0	883
Annual Cost Burden (\$)	0	0	0	0	0	0

There is an adjustment decrease of -134 annual responses. This is due to the number of respondents who require a phytosanitary certificate decreasing from 1,034 to 900. Papayas are currently not being shipped by El Salvador under this regulation and since certain areas of Guatemala were recognized as Medfly free, papayas do not ship under this regulation. There is also an adjustment decrease of -683 burden hours. This change reflects a more accurate response time and decreases the total burden hours from 883 to 200. The hours per response time for phytosanitary certificates has changed from 1 to .5 burden hours. The total burden hours for labeling of boxes changed from 2 burden hours to 1 burden hour. This is due to businesses not shipping to El Salvador. The fruit fly monitoring/recordkeeping burden hours remain unchanged.

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 APHIS collects.

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 forms being used in this 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.