

**Supporting Statement for Information Collection Request
Importation of Clementines from Spain
Collection 0579-0203**

A. JUSTIFICATION

February 2012

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 not widely distributed within the United States, and eradicating plant pests when eradication is feasible.

Under the Plant Protection Act (7 U.S.C. 7701 et seq.), the Secretary of Agriculture is authorized to regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests.

Regulations contained in Title 7 of the Code of Federal Regulations (CFR), Part 319 (Subpart Fruits and Vegetables), Sections 319.56 through 319.56-50, 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.

APHIS amended the fruits and vegetables regulations to allow the importation of Clementines from Spain to resume if the Clementines were cold treated en route to the United States, and provided that other pre-treatment and post-treatment requirements were met. These requirements included provisions that the Clementines be grown in accordance with a Mediterranean fruit fly management program established by the Government of Spain, that the Clementines be subject to an inspection regimen that includes fruit cutting prior to, and after, cold treatment, and that the Clementines meet other conditions designed to protect against the introduction of the Mediterranean fruit fly into the United States.

APHIS is asking the Office of Management and Budget (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.

APHIS uses the following information activities to prohibit or restrict the importation of certain fruits and vegetables into the United States, and 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.

Trapping and Control Records - The Government of Spain or its designated representative must keep records that document the fruit fly trapping and control activities in areas that produce clementines for export to the United States. All trapping and control records kept for a period of three years by the Government of Spain or its designated representative must be made available to APHIS upon request.

Phytosanitary Certificate (foreign) - Clementines from Spain must be accompanied by a phytosanitary certificate stating that the fruit meets the conditions of the Government of Spain's Mediterranean fruit fly management program and applicable APHIS regulations contained in this section.

Labeling and Traceback - Cartons in which Clementines are packed must be labeled with a lot number that will allow tracing back to the orchard where the fruit was grown and the packinghouse where the fruit was packed. The labeling must be large enough to clearly display the required information and must be located on the side of cartons to facilitate inspection by APHIS.

Cold Treatment Data for Consignments - Upon arrival of Clementines at a port of entry into the United States, inspectors will examine the cold treatment data for each consignment to ensure that the cold treatment was successfully completed. If the cold treatment has not been successfully completed, the consignment will be held until appropriate remedial actions have been implemented.

Trust Fund – Clementines from Spain may be imported only if the Government of Spain or its designated representative enters into a trust agreement with APHIS before each shipping season in accordance with § 319.56-6.

Grower Registration and Agreement - Persons who produce Clementines in Spain for export to the United States must:

- (1) Be registered with the Government of Spain; and
- (2) Enter into an agreement with the Government of Spain whereby the producer agrees to participate in and follow the Mediterranean fruit fly management program established by the Government of Spain.

(3) Be approved by APHIS, and must contain the fruit fly trapping and recordkeeping requirements specified in this collection. The program must also provide that Clementine producers must allow APHIS inspectors access to Clementine production areas in order to monitor compliance with the Mediterranean fruit fly management program.

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 countries of origin will automate phytosanitary certificates.

Records kept by countries can be automated using a computer, but APHIS has no control over when countries will automate their records.

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 protecting the United States from incursion by agricultural pests 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 incursion by Mediterranean fruit flies, and other plant diseases and pests from Spain. APHIS has determined that this action would not have a significant economic impact on a substantial number of small entities. It is determined that three 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 clementines from Spain are not carrying fruit flies. If Medfly is introduced into clementine-producing 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.

- **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.**

This information 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 2011:

Vicente Dalmau Sorli
Jefe De Servicio De Sanidad Vegetal
Y Protección Fitosanitaria
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Carlos Romero Cuadrado
Jefe De Servicio
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On Wednesday, June 1, 2011, pages 31576-31577, 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. During that time, APHIS received one comment from an interested member of the public. The President of Citrus Mutual of California, Joel Neesen, is in agreement with APHIS that the need to exclude the Medfly from his State is of paramount importance. Therefore, he is urging the continuance of this program in APHIS.

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. 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.

The respondents are Federal plant health authorities in Spain and growers of Clementines. APHIS estimates the total annualized cost to these respondents to be \$95,100.

See APHIS Form 71 for hour burden estimates. APHIS arrived at this figure by multiplying the total burden hours (6,340) by the estimated average hourly wage (\$15.00). $\$15.00 \times 6,340 = \$95,100$

The hourly wage was provided by International Service Program within APHIS.

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 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, 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 for the Federal Government is \$ 28,349. (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.

ICR Summary of Burden:

	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	1,958,919	0	9	-13,680,800	0	15,639,710
Annual Time Burden (Hr)	6,428	0	5	-7,504	0	13,927
Annual Cost Burden (\$)	0	0	0	0	0	

There has been no change in the number of respondents since the previous collection. The current and previous numbers are 4,508. Although the number of respondents did not change, the burden hours were affected by the current number of responses per respondent for labeling. It was previously 1,954,400 responses per respondent but that figure has been reduced to 244,300 responses per respondent. The annual number of responses was reduced from 15,639,710 to 1,958,919 because of economic conditions resulting in fewer certificates being requested for clementine shipments. This left an adjustment decrease of 13,680,800 annual responses. This change decreased the total burden hours from 13,927 to 6,428 which is an adjustment (decrease) of 7,504 burden hours.

Additionally, trust fund and grower registration activities were inadvertently omitted in the previous submission. These activities have been included in this submission, thereby adding a program change of 9 annual responses and 5 burden hours to the current renewal for 2012.

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 United States forms used in this information collection activity.

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.