

SUPPORTING STATEMENT
OMB NO. 0579-0264
Importation of Fruits and Vegetables

JUSTIFICATION

March 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), 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 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 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, Part 319 (Subpart-Fruits and Vegetables), Sections 319.56 et seq. 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 allows the following fruits and vegetables from various countries to be imported under permit and subject to inspection and disinfection at the port of arrival: *Allium* spp., apple, artichoke, asparagus, avocado, banana, basil, blackberry, blueberry, bok choy, breadfruit, cassava, celeriac, celery, cherry, cichorium, citrus, cucumber, cucurbit, dasheen, dill, eggplant, genip, ginger root, husk tomato, lemon, lettuce, okra, oregano, papaya, pear, pepper, pineapple, pumpkin, raspberry, spinach, strawberry, swiss chard tamarind, tomato and turnip. Few quarantine pests have been detected on fruits and vegetables during inspection at the ports.

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 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.

Phytosanitary Certificate (foreign) – APHIS requires a phytosanitary certificate (foreign) to accompany plants imported into the United States issued by the national plant protection organization of the country in which fruits and vegetables were grown that declares that those requirements have been met. 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. To allow the entry of certain fruits and vegetables, each shipment must be accompanied by a phytosanitary certificate issued by Mexico's national plant protection organization that contains additional declarations stating fruits and vegetables were grown in an area recognized by APHIS as free of Mediterranean fruit fly (Medfly, *Ceratitis capitata*).

Trapping Requirements – Trapping is conducted in the production sites for the fruit fly *Anastepha serpentine* at the rate of 1 trap per 10 hectares with APHIS-approved traps and lures. The trapping program must be monitored under an APHIS-approved quality control program. If one *A. Serpentina* is trapped, at least 10 additional traps must be deployed in the 50 – hectare area immediately surrounding the trap in which the fruit fly was found. If within 30 days of the first finding any additional fruit flies are trapped, the production site will be suspended from exporting until APHIS agrees that phytosanitary measures taken have been effective.

Compliance Agreement – Processing plants within the United States must enter into a compliance agreement with APHIS in order to handle grapefruit, sweet oranges, and tangerines imported from Mexico in accordance with § 319.56-44. APHIS will only enter into compliance agreements with facilities that handle and process grapefruit, sweet oranges, and tangerines from Mexico in such a way as to eliminate any risk that exotic fruit flies could be disseminated into the United States, as determined by APHIS.

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.

APHIS is the only Federal agency responsible for preventing the incursion or interstate spread of plant pests, diseases, and noxious weeds. The information APHIS is collecting is its only source for the information and is not being collected through other forms or reports.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

APHIS estimates that 60 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.

Failing to collect this information would cripple APHIS' ability to regulate and prevent the importation of injurious plant pests, plant products, and other articles into the United States.

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.**

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 2011, APHIS held productive consultations with the following individuals concerning this information collection:

Julian Sauls
Edinburg Citrus Association
401 West Champion Street
Edinburg, TX 78539-4465
Phone: 956-383-2743

Awinash Bhatkar
Texas Department of Agriculture
1700 North Congress, 11th floor
Austin, TX 78701
Phone: 512-463-7476

Robert Leavitt
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
Pest Exclusion Branch
1220N. Street, Room A-372
Sacramento, CA 95815
Phone: 916-654-0312

On Friday, September 16,, 2011, page 57712, 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. Mr. Richard Gaskalla, from the Florida Department Agriculture and Consumer Services, Division of Plant Industry, noted that his

organization supported a 3-year extension of information gathering as this provides Florida with the necessary information to properly evaluate pest risks associated with the commodities from various regions that could be an economic threat to Florida agriculture.

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.

- **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. APHIS arrived at these estimates through discussions with U.S. importers of fruits and vegetables, as well as with various plant health officials in South America and Mexico.

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

\$20.00 x 123 = \$2,460.

The hourly wage was provided by USDA’s Agricultural Specialist in Mexico via plant health officials.

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 \$ 4,589.00 (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	481	0	0	0	0	481
Annual Time Burden (Hr)	123	0	0	0	0	123
Annual Cost Burden (\$)	0	0	0	0	0	0

There is no change in burden for the renewal of this information collection.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

APHIS has no plans to publish any data.

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 associated with this collection of information.

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 employed in this information collection activity.