

**SUPPORTING STATEMENT**  
**Importation of Tomatoes from Certain Central**  
**American Countries,**  
**OMB NO. 0579-0286**

**A. JUSTIFICATION**  
**May 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 pests and noxious weeds from entering the United States, preventing the spread of plant diseases not widely distributed in the United States, and eradicating those imported pests and noxious weeds 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 new to the United States or not known to be widely distributed throughout the United States.

The regulations in “Subpart – Fruits and Vegetables” (Title 7, Code of Federal Regulations (CFR) 319.56 through 319.56-51, 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 with the United States.

Under these regulations, pink or red tomatoes from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama may be imported into the United States only under certain conditions to prevent the introduction of plant pests into the United States.

This collection allows for the importation of pink and red tomatoes from those countries in Central America while continuing to provide protection against the introduction of quarantine pests into the United States.

APHIS is asking OMB to approve, for an additional 3 years, its use of information collection activities associated with its efforts to prevent the introduction of plant pests into the United States.

**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 uses information activities to prevent the introduction of plant pests into the United States or their dissemination within the United States. The regulations contained in “Subpart-Fruits and Vegetables” (7 CFR 319.56-1 through 319.56-54) require the following information activities:

**Production Site and Packinghouse Records (Not for Profit)** – The exporting country’s National Plant Protection Organization (NPPO) must maintain records of trap placement, checking of traps, and any Medfly captures in addition to production site and packinghouse inspection records.

**Phytosanitary Certificate (Foreign business)** – The exporting country’s NPPO is responsible for export certification, inspection, and issuance of phytosanitary certificates. Each shipment of tomatoes must be accompanied by a phytosanitary certificate issued by the NPPO and bearing the declaration, “These tomatoes were grown in an area recognized to be free of Medfly and the shipment has been inspected and found free of the pests listed in the requirements.”

**Monitoring/Auditing Trapping Program (Not for Profit)** - The exporting country’s NPPO must maintain an APHIS approved quality control program to monitor or audit the trapping program.

**Trapping Records (Not for Profit)** – Stationary Remotely Piloted Vehicle must maintain records of trap placement checking of traps, and any Medfly captures and must make them available to APHIS upon request. Records must be maintained and available to APHIS to review for 1 year. Previously, the regulations did not specify how long the records were to be maintained; the regulations now specify that they must be retained for 1 year.

**Labeling of Boxes (Foreign Business)** – Shipping boxes must be labeled with the identity of the production site.

**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 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 destructive plant pests while increasing the number and variety of fruits and vegetables that can be imported from other countries. APHIS has determined that 18 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 peppers and tomatoes from Central America are not carrying fruit flies. If Medfly is introduced into tomato growing 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;**  
Traps must be checked at least every 7 days.
- **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 other 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 the information collection activities associated with its program to import tomatoes from Central American countries:

Trojas Tomato Agro-Industrial Association  
Mr. Ligia Lopez Marin, Manage  
Ministry of Agriculture  
Sabana Sur, San José  
Phone: 232-19-49 2

California Tomato Growers Association, Inc.  
2300 River Plaza drive, Suite 100  
Sacramento, CA 95833  
Phone: (916) 925-0225  
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On Tuesday, January 24, 2012, page 3433, 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. One comment was received from a concerned citizen about the safety concerns in foreign countries.

**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.**

Respondents are growers in Central America, NPPOs, and shippers. The total burden hours for respondents are 344. APHIS arrived at this figure by multiplying the total hours by the estimated average hourly wage of the above respondents.  $344 \times \$16.00 = \$5,504$ .

- 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 \$12,180. (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	Program Change Due to	Change Due to Adjustment	Change Due to Potential	Previously Approved
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	Statute	Agency Discretion	in Agency Estimate	Violation of the PRA		
Annual Number of Responses	2,452	0	0	-101,848	0	104,300
Annual Time Burden (Hr)	344	0	0	57	0	287
Annual Cost Burden (\$)	0	0	0	0	0	0

There is an increase in the number of respondents from 24 to 40. This increase resulted in an adjustment of +57 burden hours due to the number of annual responses increasing for the phytosanitary certificates processed, the monitoring/auditing of the trapping program, and the number of recordkeepers. However, this is offset by a miscalculation for the number of responses per respondent for the labeling of boxes in the last submission – the responses per respondent were calculated much too high resulting in a decrease from 103,241 to 700 annual responses for this activity, thereby showing a decrease in the number of annual responses and causing a net effect of – 101,848 annual responses.

**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 USDA forms involved in 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 the provisions in the Act.

**B. Collections of Information Employing Statistical Methods**

Statistical methods are not used in this information collection.