

March 2011

Supporting Statement
Importation of Fresh Baby Kiwi from Chile Under a Systems Approach
APHIS Docket Number: 2010-0018
OMB No. 0579-XXXX

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), Animal and Plant Health Inspection Service (APHIS), 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, “Subpart-Fruits and Vegetables” (7 CFR part 319.56-1 through 319.56.50, referred to below 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 not widely distributed within the United States. APHIS is responsible for ensuring that these regulations are enforced.

APHIS is amending “Subpart-Fruits and Vegetables,” by adding the new subpart “Fresh baby kiwi fruit from Chile” as a proposed rule in the Federal Register to allow fresh baby kiwi fruit from Chile to be imported into the continental United States subject to a systems approach. This action is necessary in order to provide an alternative mitigation measure other than fumigation with methyl bromide.

APHIS is asking the Office of Management and Budget (OMB) to approve its use of the following information collection in connection with its program to prevent the introduction of exotic 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.

Phytosanitary Certificate (foreign)

APHIS requires each consignment of fresh baby kiwi fruit be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Chile that contains an

additional declaration stating the fruit has been inspected. 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.

Plant health authorities in Chile are responsible for conducting export certification inspections of each consignment of baby kiwi destined for the United States, and for issuing a phytosanitary certificate that will accompany each consignment. The phytosanitary certificate certifies, among other things, that baby kiwi were inspected and found free of host pests.

Production Site Registration

The production site where the fruit is grown would have to be registered with the NPPO of Chile. Harvested baby kiwi would be placed in field cartons or containers that are marked to show the official registration number of the production site. Registration is renewed annually.

Labeling of Field Cartons or Containers

Each container of harvested fruit would have a label to identify the registered production site where the fruit originated and the packing shed where it was packed.

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 their forms. None of the forms included in this collection of information are USDA forms.

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 introduction of exotic pests into the United States. The information APHIS is collecting is exclusive to its mission of preventing the introduction of exotic plant 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.

APHIS estimates that 75 percent of the total 4 respondents are small entities. The information that APHIS collects is the minimum needed to protect the United States from the potential introduction of exotic plant pests into the country.

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 this information is not collected, APHIS' ability to protect the United States from exotic insect pests would be severely compromised.

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 2010-2011, APHIS held productive consultations with the following individuals concerning the information collection activities associated with its program to import fresh baby kiwi fruit from Chile:

Chilean Fruit Association
Dennis Moleta
Merchandizer Contact
128 Perryville Road
Hampton, NJ 08827
Phone : 908-730-6930

CF Fresh
Steve Mackey
922 3rd Street
Sedro Woolley, WA 98284-1605
Phone: 360- 855-3191

LGS Specialty Sales, LTD
Luke Sears
302 Hunts Point Market
Bronx, NY 10474-7403
Phone: 718-542-2200

The proposed rule, Docket Number APHIS-2010-0018, was published in the Federal Register on Monday, March 21, 2011, with a 60-day comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information collection activities APHIS is proposing.

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 (other than appropriate, program-related 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. 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 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 is determined by multiplying the total number of burden hours times the wage per hour rate. APHIS-PPQ estimates that the average hourly wage is \$14.25.
 $\$14.25 \times 92 \text{ hours} = \$1,311.$

Respondents are businesses in Chile. The burden for the respondents totals 92 burden hours. These estimates were developed by using historical data through discussions with PPQ Regulatory Coordination Specialists and the NPPO's of Chile.

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 \$3,468.00. (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.

This is a new program.

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.

There are no USDA forms associated with 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.