SUPPORTING STATEMENT
Treatments for Fruits and Vegetables
OMB NO. 0579-0281

JUSTIFICATION **April 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 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 regulate the importation of plants, plant products, and other articles to prevent the introduction of injurious plant pests.

The phytosanitary treatments regulations contained in Title 7 of the Code of Federal Regulations (CFR) Part 305 set out standards and schedules for treatments required in 7 CFR Parts 301, 318, and 319 for articles whose importation could introduce plant pests or noxious weeds into the United States or whose interstate movement could spread plant pests or noxious weeds within the United States. Within 7 CFR Part 305, the irradiation treatments subpart 305.9, referred to as the regulations, sets out standards and minimum doses for irradiation treatment for imported fruits and vegetables and for regulated articles moved interstate from quarantined areas within the United States, along with other requirements for performing irradiation treatments.

The fruits and vegetables regulations list the approved doses for irradiation treatment of imported fruits and vegetables including a minimum generic dose of irradiation for most plant pests of the class *Insecta*, a minimum generic dose for the fruit fly family, the minimum dose of irradiation for some specific fruit fly species, and provides for the use of irradiation as a treatment for cut flowers and foliage.

APHIS is asking the Office of Management and Budget (OMB) to approve, for 3 years, its use of these information collection activities, associated with its efforts to prevent the spread of plant pests and plant diseases from entering into the 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 regulate approved doses for irradiation treatment of imported fruits and vegetables, and minimum generic doses of irradiation for most plant pest.

Limited Permit (PPQ 530) - A limited permit is issued by an inspector for the interstate movement of untreated sweet potatoes from Hawaii. The treatment is for the mainland of the United States in accordance with § 318.13-25.

Certificate (PPQ 540) – Certification is issued by an inspector for the movement of sweet potatoes from Hawaii that have been treated in accordance with part 305 of this chapter and handled in Hawaii in accordance with §§ 318.13-25 and 305.9.

Package, Marking, and Identity – Sweet potatoes that are treated in Hawaii must be packaged in cartons that have no opening that will allow the entry of fruit flies and must be sealed with seals that will visually indicate if the cartons have been opened. Cartons may be constructed of any material that prevent the entry of fruit flies and prevent oviposition by fruit flies into the fruit in the carton. Packaging must be labeled with treatment lot numbers, packing and treatment facility identification and location, and dates of packing and treatment.

Written Request for Facility Approval – Persons requesting certification of an irradiation treatment facility must submit the request for approval in writing to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Center for Plant Health Science and Technology, 1730 Varsity Drive, Suite 400, Raleigh, NC 27606. The initial request must identify the owner, location, and radiation source of the facility, and the applicant must supply additional information about the facility construction, treatment protocols, and operations upon request by APHIS, only if APHIS requires additional information to evaluate the request.

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.

PPQ forms 530 and 540 are not automated for several reasons. These forms have a unique identifier (serial number) and they are accountable forms that must be issued by a PPQ employee. APHIS needs to have strict control over the issuance of these forms since they allow the movement of regulated products that are subject to restrictions. They can only be issued after an inspection proves that the shipment meets the requirements for movement. An inspector has to determine if a treatment is required

before movement. Finally, the forms must accompany the shipment throughout transport from the inspection until destination.

Finally, a letter for request of facility approval can be automated by the respondent using a computer.

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 against the incursion and spread of harmful 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.

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 estimates that 80 percent of the 17 businesses are small entities, which equates to 14 small businesses.

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.

This information collection activity is critical to APHIS' mission of preventing destructive plant pests from entering and spreading within the United States. Exotic plant pests are capable of causing millions of dollars in damage to United States agriculture.

If this information were not collected, it would seriously affect APHIS' ability to ensure that certain fruit and vegetables entering the United States from numerous countries do not harbor fruit flies or other insect pests that could cause serious 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 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.

The following individuals were consulted during 2012:

Copesan
3490 N. 127th Street
Brookfield, Wisconsin 53005
Contact: James E Sargent
Phone: 1-800-267-3726

Melissa's

2053 Imperial Lane
Louisville, Colorado 80027
Contact: Bill Gerlach
Phone: 303-588-0151

Hawaii Department of Agriculture
Plant Quarantine Branch
1849 Auiki Street
Honolulu, Hawaii 96819
Contact Domingo Cravalho, Jr
Phone: 808-832-0580

On Wednesday, February 1, 2012, page 4982, 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 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.

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

Total cost to respondents is computed by multiplying their average hourly wage ($26.16) by the total number of hours needed to complete the work. (See APHIS Form 71 for hour burden estimates) $26.16 X 6 = $156.96.

$26.16 is the hourly rate derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2011 Report - Occupational Employment and Wages in the United States. See http://www.bls.gov/news.release/pdf/ocwage.pdf

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 $127.00. (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.

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	225	0	0	0	0	225
Annual Time Burden (Hr)	6	0	0	-49	0	55
Annual Cost Burden ($)	0	0	0	0	0	0

The number of respondents and annual responses did not change in this collection; however, the hours per response time for packaging and labeling was estimated too high in the previous submission. It does not take 15 minutes to place labels on fruits and vegetables – that time has been adjusted to 5 seconds, thereby accounting for a decrease of 49 burden hours resulting in 6 total burden hours for this submission.

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 regarding this information collection.

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.

PPQ Form 530 is used in 8 information collections, and PPQ Form 540 is used in 7 information collections; therefore, it is not practical to include an OMB expiration date on either of these forms because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on these forms.

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 under the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not employed in this information collection activity.