

December 2011

Supporting Statement
Importation of Chinese Sand Pears from China
Docket No. APHIS-2011-0007
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, 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 in “Subpart – Fruits and Vegetables” Title 7, Code of Federal Regulations (CFR) 319.56 through 319.56-52, 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 new to or not widely distributed within the United States.

APHIS is proposing to amend the fruits and vegetables regulations to allow the importation of Chinese sand pears (*Pyrus pyrifolia*) from China into the United States. As a condition of entry, sand pears from areas of China in which the Oriental fruit fly (*Bactrocera dorsalis*) is not known to exist would have to be produced in accordance with a systems approach that would include requirements for registration of places of production and packinghouses; sourcing of a pest-free propagative organization of China; bagging of fruit; safeguarding; labeling; and importation in commercial consignments. Sand pears from areas in China in which Oriental fruit fly is known to exist could be imported into the United States if, in addition to these requirements, the places of production and packinghouses have a monitoring system in place for Oriental fruit fly and the pears are treated with cold treatment. All sand pears from China would also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that all conditions for the importation of the pears have been met and that the consignment of pears has been inspected and found free of quarantine pests. This action would allow for the importation of sand pears from China into the United States while continuing to provide protection against the introduction of quarantine pests.

The regulations currently allow for the importation of both Ya pears (*Pyrus bretschneideri*) and fragrant pears (*Pyrus* sp. Nr. *Communis*) from China. The conditions for importation of Ya pears

are found in § 319.56.29 of the regulations, and those for fragrant pears are found in § 319.56-39 of the regulations.

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 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 allow for the importation of sand pears from China into the United States while continuing to provide protection against the introduction of quarantine pests.

Operational Workplan – An operational workplan would be required by the National Plant Protection Organization (NPPO) of China that details the activities for phytosanitary measures governing the import or export of a specific commodity and guidance procedures for the day-to-day operations.

Inspection of Registered Production Sites – The NPPO of China must visit and inspect registered places of production prior to harvest for signs of infestations and allow APHIS to monitor the inspections.

Records of Pest Detections – The NPPO of China must provide records of pest detections and pest detection practices to APHIS, and APHIS must approve these practices. Records must be maintained for a minimum of one year.

Labeling with Identity of Place of Production & Packinghouse – Packinghouses must have a tracking system in place to readily identify all sand pears destined for export to the United States that enter the packinghouse back to their place of production.

Phytosanitary Certificate with Declaration – Each consignment of sand pears imported from China into the United States must be accompanied by a phytosanitary certificate issued by the NPPO of China with an additional declaration stating that the requirements of this section have been met and the consignment has been inspected and found free of quarantine pests.

Registration of Production Site – As a condition of entry, sand pears from the areas of China in which the Oriental fruit fly (*Bactrocera dorsalis*) is not known to exist would have to be produced in accordance with a systems approach and registered.

Packinghouses Will Notify NPPO Regarding Detection – The place of production or packinghouse must notify the NPPO of China, and the NPPO of China must notify APHIS, regarding the detection of a single *B. dorsalis* in a place of production, packinghouse, or surrounding area within 48 hours of the detection.

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.

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 in connection with this program is the minimum needed to protect the United States from plant pests and diseases. APHIS has determined that 20 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 ensure that sand pears from China are not carrying plant pests and would cause millions of dollars in damage to U.S. 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;**

NPPO of China must notify APHIS regarding the detection of a single *B. dorsalis* in a place of production, packinghouse, or surrounding area within 48 hours of the detection.

- **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 the import of Chinese sand pears from China:

Tree Fruit Technical Advisory Council
Jim McFerson
1719 Springwater Avenue
Wenatchee, WA 98801
509-665-8271
mcferson@treefruitresearch.com

US Pear Orchards
580 Pear Orchard Road
Ridgeland, Mississippi 39157
866-419-6320

Bryant Christi, Inc.
James Christi
1521 I Street
Sacramento, CA 95814
916-492-7062

APHIS' proposed rule (APHIS-2011-0007) will describe its information gathering requirements, and also provide 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. 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.

The annualized cost to respondents is \$2,050. APHIS arrived at this figure by multiplying the total burden hours (82) by the estimated average hourly wage of the respondents (\$25.00).
 $\$25 \times 82 \text{ hours} = \$2,050.$

\$25 is the hourly rate derived from APHIS International Services' discussions with officials from China.

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 to the Federal Government is \$128.00. (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. APHIS is proposing to amend the fruits and vegetables regulations to allow the importation of Chinese sand pears (*Pyrus pyrifolia*) from China into the United States.

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

APHIS has no plans to publish this 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 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.