

February 2013

**Supporting Statement**  
**Importation of Litchi Fruit from Australia**  
**APHIS-2009-0084**  
**OMB Number 0579-XXXX**

**COMMENT FILED:**

**Prior to publication of the final rule, the agency should provide to OMB a summary of all comments received on the proposed information collection and identify any changes made in response to these comments.**

APHIS received 4 comments during the comment period. They are discussed in Q. 8 and loaded in ROCIS.

**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 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.

APHIS’ final rule will allow, under certain conditions, the importation into the United States of commercial consignments of litchi fruit from Australia. The conditions for the importation of litchi fruit from Australia include requirements for pest exclusion at the production site, irradiation treatment, fruit fly trapping inside and outside the production site, pest-excluding packinghouse procedures and port-of-entry inspections. The litchi fruit will also be required to be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of Australia with an additional declaration confirming that the litchi fruit had been produced in accordance with the proposed requirements. This action will allow for the

importation of litchi fruit from Australia while continuing providing protection against the introduction of injurious plant pests into the United States.

APHIS is asking Office of Management and Budget (OMB) to approve its use of these information collection activities, for 3 years, associated with its efforts to prevent the spread of plant pests and plant diseases 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 will use the following information activities to allow for the importation of litchi fruit from Australia while continuing providing protection against the introduction of injurious plant pests into the United States.

**Phytosanitary Certificate (foreign) w/Declaration:** Consignments of litchi from Australia will require a phytosanitary certificate with an additional declaration stating that the litchi fruit was grown in approved pest exclusionary structures and were inspected and found free from quarantine pests of concern to the United States and that the fruit received irradiation treatment.

**Registration of Production Area (Business):** Litchi fruit will have to be grown in production areas that are registered with and monitored by the NPPO of Australia.

**Labeling of Cartons (Business):** Cartons in which litchi are packed must be stamped “Not for importation into or distribution in Florida.”

**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.**

APHIS has determined that this collection will not have a significant economic impact on a substantial number of small entities. Therefore, approximately 20 percent are small businesses or 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.**

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

**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, governmental 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 the information collection activities associated with the import of litchi from Australia:

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APHIS' proposed rule (APHIS-2009-0084) was published in the Federal Register on Wednesday, December 28, 2011, pages 81401-81404, with a 60-day comment period. During that time, APHIS received four comments from interested members of the public, all of which are addressed in the final rule. The proposed rule is being adopted as the **final** rule, with all changes discussed in the final rule. One commenter asked that the stem limit of 5 ml for litchi fruit be removed. This same commenter questioned the need for production site registration in Australia. APHIS agreed with both comments and removed them from the final rule. Another commenter requested that APHIS intensively monitor litchi fruit from Australia at the port of entry. APHIS responded that port of entry inspection is among the required phytosanitary measures that apply to the importation of litchi fruit from Australia. No change was made to the rule. One commenter objected to APHIS' use of the term "systems approach." APHIS is not changing this term since it encompasses a number of requirements that Australia has to meet prior to importation of litchi fruit. The last commenter stated that the monitoring requirement should be removed and APHIS agreed. All comments are available in ROCIS.

**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.**

Respondents are foreign businesses and NPPO's in Australia. The total annualized cost to respondents is \$340.56.

APHIS arrived at this figure by multiplying the total burden hours by the estimated average hourly wage of the above respondents.  $12 \times \$28.38 = \$340.56$ .

The hourly wage of \$28.38 was derived from discussions between APHIS' International Services specialists and Australian 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 \$535. (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 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.