

**Supporting Statement**  
**Interstate Movement of Sharwil Avocados from Hawaii**  
**Docket No. APHIS-2012-0008**  
**Comment Filed – OMB No. 0579-0403**

**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 diseases or insect pests from entering the United States, preventing the spread of pests and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act authorizes the Department to carry out its mission.

Under the Plant Protection Act (7 U.S.C. 7701, et seq.) the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent the introduction of plant pests into the United States or their dissemination within the United States.

Under the regulations in 7 CFR part 318, “State of Hawaii and Territories Quarantine Notices” (referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA or the Department) prohibits or restricts the interstate movement of fruits, vegetables, and other products from Hawaii, Puerto Rico, the U.S. Virgin Islands, and Guam to the continental United States to prevent the spread of plant pests and noxious weeds that occur in Hawaii and the territories.

APHIS is amending the Hawaii quarantine regulations to allow the interstate movement of untreated Sharwil avocados from Hawaii into the continental United States. As a condition of movement, Sharwil avocados from Hawaii will have to be produced in accordance with a systems approach that would include requirements for registration and monitoring of places of production and packinghouses; grove sanitation; and harvesting and packing requirements to ensure that only intact fruit that has been protected against infestation is shipped. This action allows for the interstate movement of Sharwil avocados from Hawaii into other States while continuing to provide protection against the introduction of quarantine pests.

APHIS is asking OMB to approve, for 3 years, its use of these information collection activities associated with its efforts to prevent the spread of fruit flies and other plant pests 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 as a condition of movement, in accordance with a systems approach which is discussed above.

**Production Site Registration** – Persons wishing to move Sharwil avocados in accordance with this section must register the avocados' place of production and the packinghouse that packs the avocados.

**Packinghouse Registration** – During the time registered packinghouses are in use for packing avocados for movement to the continental US, the packinghouses may only accept avocados that are from registered places of production and that are produced in accordance with the requirements.

**PPQ Form 519 Compliance Agreement** - Persons wishing to move avocados in accordance with this section must sign a compliance agreement in accordance with § 318.13–3(d) of this part in which he or she agrees to comply with such conditions as may be required by the inspector in each specific case to prevent infestation.

**Box Markings** - Harvested avocados must be placed in cartons or containers that are marked with the official registration number of the place of production.

**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 considerations of using information technology to reduce burden.**

**PPQ Form 519 (Compliance Agreement)** is automated and posted at [www.aphis.usda.gov/library/forms/pdf/ppq519.pdf](http://www.aphis.usda.gov/library/forms/pdf/ppq519.pdf) . This form can be printed and manually completed.

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use of the purpose described in item 2 above.**

The information APHIS collects is exclusive to its mission of preventing the spread of 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 continental United States from destructive plant pests while increasing the number and variety of fruits and vegetables that can be moved interstate from Hawaii. APHIS has determined 100 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 avocados from Hawaii are not carrying plant pests.

**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:

Bruce and Lisa Corker  
Corkers' Rancho Aloha  
75-5760 Mamalahoa Hwy  
Holualoa, Hawaii 96725  
808-322-9562

Bill Gerlach  
World Variety Produce Inc.  
5325 S. Soto Street  
Vernon, CA 90058  
323-588-0151

William f. Bloxom  
f.c. bloxom company  
2250 Occidental Ave South  
Seattle, Washington 98124  
206-624-1000

APHIS' proposed rule (Docket Number APHIS-2012-0008) published in the Federal Register on Thursday, February 7, 2013, and described its proposed information gathering requirements and also provided a 60-day comment period. During that time, APHIS received 30 comments from avocado growers and grower associations, researchers, members of Congress, a State Plant Regulatory Official, and an organization representing State Plant Regulatory Agencies. Only one of the comments dealt with paperwork burden regarding the fruit box labeling requirement, that fruit boxes must be marked "Distribution limited to the following States: CO, CT, DE, DC, ID, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, MT, NE, NH, NJ, NY, ND, OH, PA, RI, SD, UT, VT, VA, WA, WV, WI, and WY." In addition, the commentor suggested that the marking should also state, "NOT FOR DISTRIBUTION TO [list of States that prohibit entry] to ensure that the product is not moved into fruit fly habitat States such as Florida. APHIS believes that it would be redundant and possibly confusing to mark every box with a list of States where distribution is allowed and another list consisting of all remaining States. APHIS does, however, agree that further emphasizing the importance of limited distribution may help with program implementation. Therefore APHIS amended the relevant requirement with a few additional words to read "Fruit Boxes must be clearly marked "Distribution limited to the following States: CO, CT .... WI, and WY; DISTRIBUTION TO OTHER STATES PROHIBITED.

Many commenters stated that they were confident that Sharwil avocados could safely move to the mainland in accordance with the requirement of the proposed rule and that the strengthened mitigation measures would prevent shipment of any fruit with viable fruit fly larvae. Many commenters also stated that the proposed rule would benefit Hawaii avocado growers, the economy of Hawaii, and consumers on the mainland.

**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 personal or sensitive nature.

**12. Provide estimates of 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.**

APHIS estimates the total annualized cost to the respondents to be \$1,837.44. APHIS arrived at this figure by multiplying the total burden hours (58) by the estimated average hourly wage of the above respondents (\$31.68).

The hourly rate is an average salary of growers and foreign officials based on historical data and conversations with PPQ Program Specialists and APHIS' International Services.

**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 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 the capital and start-up cost, maintenance costs, and purchase of services in connection with this program.

**14. Provide estimates of annualized cost 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 \$1,011. (See APHIS Form 79).

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-1.**

This is a new program. APHIS is amending the Hawaii quarantine regulations to allow the interstate movement of untreated Sharwil avocados from Hawaii into the continental United States, subject to a systems approach.

**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 it 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.**

The PPQ 519 is used in multiple collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

**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 used in this information collection.