

March 2014

Supporting Statement
Importation of Jackfruit, Pineapple and Starfruit from Malaysia
into the Continental United States
Docket No. APHIS-2011-0019
OMB No. 0579-0408 (Filed with Comment)

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 319.56-56, 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 within the United States.

APHIS is amending the fruits and vegetables regulations to allow, under certain conditions, the importation into the United States of commercial consignments of jackfruit, pineapple, and starfruit from Malaysia. The conditions for the importation of fruit from Malaysia include requirements for: (1) irradiation treatment for insect pests, (2) inspection, and (3) importation in commercial consignments. The fruit will also be required to be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Malaysia with a commodity specific additional declaration confirming that the fruit has been produced in accordance with the proposed requirements. This action will allow for the importation of jackfruit, pineapple, and starfruit from Malaysia while continuing to provide protection against the introduction of injurious plant pests into the United States.

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 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 verify that jackfruit, pineapple, and starfruit from Malaysia are grown in production areas that are registered and monitored by the NPPO of Malaysia and to verify that consignments have been treated with irradiation.

Phytosanitary Certificate (foreign) w/Declaration – Each consignment of jackfruit imported from Malaysia into the continental United States must be accompanied by a phytosanitary certificate issued by the NPPO of Malaysia that states that the jackfruit has been treated for plant pests of the class Insecta, except pupae and adults of the order Lepidoptera, in accordance with 7 CFR, Part 305. Also required is additional declaration that the fruit has been subject to one of the mitigations for P. meadii set forth in paragraph (b)(2) of this section and has been inspected prior to shipment and found free of P. meadii.

Each consignment of pineapple imported from Malaysia into the continental United States must be accompanied by a phytosanitary certificate issued by the NPPO of Malaysia that states that the pineapple have been treated for plant pests of the class Insecta, except pupae and adults of the order Lepidoptera, in accordance with 7 CFR, Part 305. Also required is an additional declaration that the fruit has been: (1) subject to one of the mitigations for G. luzulae, M. scandens, M. crinis-equi, M. palmivorus, and P. stuhlmannii set forth in paragraph (c)(1) of this section; (2) treated for A. fulica and E. orientalis in accordance with paragraph (c)(2) of this section, and (3) inspected prior to shipment and found free of A. fulica, E. orientalis, G. luzulae, M. scandens, M. crinis-equi, M. palmivorus, and P. stuhlmannii.

Each consignment of starfruit imported from Malaysia into the continental United States must be accompanied by a phytosanitary certificate issued by the NPPO of Malaysia that states that the starfruit has been treated for plant pests of the class Insecta, except pupae and adults of the order Lepidoptera, in accordance with 7 CFR, Part 305. Also required is an additional declaration that the fruit has been inspected prior to shipment and found free of P. averrhoae and pupae of Cryptophlebia spp.

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 phytosanitary certificates.

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 of information does not have a significant economic impact on a substantial number of 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 APHIS is collecting is its 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 2013, APHIS held productive consultations with the following individuals concerning the information collection activities associated with this program:

Ram Singh, Agriculture Counselor
Embassy of Malaysia
3516 International Court N.W.
Washington, DC 20008
202-572-9700

Wan Norman Wan Ismail, Director
Crop Protection and Quarantine Division
Department of Agriculture, Malaysia
Level 7, 12 - 17, Menara Pelita,
Jalan Tun Abdul Rahman Yaakob,
Petra Jaya, 93050 Kuching, Sarawak
Tel: 082-441000

Kelan Evans, Agricultural Science Officer
American Embassy – Manila
1201 Roxas Blvd
Manila, Philippines 1000
632-301-2000

APHIS' proposed rule (APHIS-2011-0019) was published in the Federal Register on May 7, 2013, with a 60-day comment period. During this time, two comments were received. One comment was from the Government of Malaysia and the other comment was from the general public (a law student commenting as part of a course). Both comments were in favor of the rule. The Malaysian Government commented about cutting the fruit for sampling and questioned how it would be kept fresh afterwards, and APHIS explained the few fruits that are sampled would be discarded after cutting and not offered for export or sale. Therefore, for the reasons given in the proposed rule and in this document, APHIS has adopted the proposed rule as the final rule, without change.

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 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 the NPPO's in Malaysia. The annualized cost to respondents is \$2,550.

APHIS arrived at this figure by multiplying the total burden hours by the estimated average hourly wage of the above respondents. (85 burden hours X \$30 estimated hourly wage = \$2,550)

The estimated hourly wage rate was developed by using historical data through discussions with fruit importers from Malaysia, APHIS' International Services Specialists, and PPQ's Regulatory Policy Specialist.

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 \$4,544 (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 amending the fruits and vegetables regulations to allow, under certain conditions, the importation into the United States of commercial shipments of jackfruit, pineapple, and starfruit from Malaysia.

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.