

May 2014

**Supporting Statement**  
**Importation of Cape Gooseberry from Colombia into the United States**  
**Docket No. APHIS-2012-0038**  
**OMB No. 0579-0411 (NEW)**

**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 319.56-59, 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’ final rule will amend the fruits and vegetables regulations to allow the importation of cape gooseberry from Colombia into the United States. As a condition of entry, cape gooseberry from Colombia will be subject to a systems approach that will include requirements for establishment of pest-free places of production and the labeling of boxes prior to shipping. The cape gooseberry will also have to be imported in commercial consignments and accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Colombia certifying that the fruit has been produced in accordance with the systems approach. This action will allow for the importation of cape gooseberry from Colombia into the United States while continuing to provide protection against the introduction of plant pests.

APHIS is asking the Office of Management and Budget (OMB) to approve 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 will use the following information activities to verify that cape gooseberries from Colombia are grown in production areas that are registered and monitored by the NPPO. This action will allow for the importation of cape gooseberries from Colombia into the United States while continuing to provide protection against the introduction of quarantine pests.

**Bilateral Workplan - Foreign Federal Government**

The NPPO of Colombia must provide a bilateral workplan to APHIS that details the activities that NPPO will carry out to meet the requirements of this section. The workplan is subject to APHIS' approval, and APHIS will be directly involved with the NPPO in monitoring and auditing the implementation of the systems approach.

**Production Site Registration – Business**

All places of production must be registered with the NPPO of Colombia.

**Box Marking – Business-third party**

The gooseberries must be packed in boxes marked with the identity of the originating farm.

**Phytosanitary Certificate (foreign) with Declaration – Foreign Federal Government**

Each consignment of cape gooseberry must be accompanied by a phytosanitary certificate issued by the NPPO of Colombia containing an additional declaration stating that the fruit originated from a place of production free of *C. capitata* within the low prevalence area of Bogota Savannah and the neighboring municipalities above 2,200 meters of elevation in the Departments of Boyacá and Cundinamarca in accordance with the requirements of §319.56-58.

**Trapping and Records – Business**

Trapping for *C. capitata* must be conducted in the places of production in accordance with the bilateral workplan to demonstrate that those places are free of *C. capitata*. Specific trapping requirements are included in the bilateral workplan.

All fruit flies trapped must be reported to APHIS immediately. Capture of *C. capitata* will result in immediate cancellation of exports from farms within 5 square kilometers of the detection site. An additional 50 traps must be placed in the 5-square-kilometer area surrounding the detection site. If a second detection is made within the detection areas within 30 days of a previous capture, eradication using a bait spray agreed upon by APHIS and the NPPO of Colombia must be initiated in the detection area. Treatment must continue for 2 months.

**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 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 estimates that 98 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.**

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 2012-2013, APHIS held productive consultations with the following individuals concerning the information collection activities associated with the import of cape gooseberry from Colombia:

Ken Barbic  
Produce Western Growers Association  
Farmers/Growers; Small/Rural Farms  
1800 K Street, NW, Suite 1124  
Washington, DC 20006 202-296-0191  
[kbarbic@wga.com](mailto:kbarbic@wga.com)

Butch Calhoun  
Florida Fruit & Vegetable Association,  
P.O. Box 948153  
800 Trafalgar Court, Suite 200  
Maitland FL 32794-8153  
321-214-5200 (321) 214-0210  
[butch.calhoun@ffva.com](mailto:butch.calhoun@ffva.com)

Tim Courneya  
Northarvest Bean Growers Association  
50072 E. Lake Seven Road  
Frazee MN 56544  
218-334-6351  
218-334-6360  
[nhbean@loretel.net](mailto:nhbean@loretel.net)

APHIS' proposed rule (APHIS-2012-0038) was published in the Federal Register on Friday, August 16, 2013, with a 60-day comment period. During that time, APHIS received two

comments from interested members of the public (1) a U.S. importer of cape gooseberry who expressed support for the proposed rule and (2) the NPPO of Colombia who wanted APHIS to make several modifications to the proposed rule. However, these modifications did not affect the paperwork portion of the rule.

**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 the NPPO and importers in Colombia. The total of burden hours for the respondents is 769 burden hours.

APHIS arrived at this figure by multiplying the total hours by the estimated average hourly wage of the above respondents.  $769 \times \$30.00 = \$23,070$ .

The estimated average hourly wage rate was developed using historical data through discussions with importers of cape gooseberries and APHIS' International Programs specialists.

**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 \$10,536 (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 cape gooseberry from Colombia.

**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.