

SUPPORTING STATEMENT
Importation of Peppers from Certain Central
American Countries
OMB NO. 0579-0274

A. JUSTIFICATION

June 2015

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 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 319.56-1 through 319.56-72, 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.

The fruits and vegetables regulations allow certain types of peppers grown in approved registered production sites in Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama to be imported, under certain conditions, into the United States without treatment while continuing to provide protection against the introduction of quarantine pests into the United States.

APHIS is asking the Office of Management and Budget (OMB) to approve, for an additional 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 collection activities to verify whether types of peppers grown in approved registered production sites in Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama can be imported into the United States without treatment.

Inspection (foreign government) (business) - A pre-harvest inspection of the production site will be conducted by the National Plant Protection Organization (NPPO) for the detection of the Mediterranean Fruit Fly (Medfly). If Medfly is found to be generally infesting the production site, the NPPO will not allow export from that production site until it is determined that risk mitigation is achieved. For other pests of concern, the production site will have to be inspected prior to harvest, and if any of these pests or any other quarantine pests are found to be generally infesting the area, the NPPO will not allow export from that production site until risk mitigation has been achieved. If any of the pests listed in the workplan are found to be generally infesting the growing site, the NPPO may not allow export from the production site until the NPPO has determined that risk mitigation has been achieved.

Phytosanitary Certificate (foreign government) (business) - The exporting country's NPPO is responsible for export certification, inspection, and issuance of phytosanitary certificates. Each shipment of peppers must be accompanied by a phytosanitary certificate issued by the NPPO and bear the declaration, "These peppers were grown in an area recognized to be free of Medfly, and the shipment has been inspected and found free of the pests listed in the requirements." The exporting country's NPPO is responsible for export certification, inspection, and issuance of phytosanitary certificates.

Labeling of Boxes (business) - Boxes containing peppers from Certain Central American Countries must be labeled with the identity of the production site.

Monitor Traps (foreign government) - A pre-harvest inspection of the growing site must be conducted by the National Plant Protection Organization (NPPO) of the exporting country for the pest. The NPPO may not allow export from the production site until it has determined that risk mitigation has been achieved.

Trapping Records (foreign government) - The exporting country's NPPO must maintain records of trap placement, checking of traps, and any Medfly captures. The trapping records must be maintained 3 years for APHIS' review.

Bilateral Workplan (foreign government) - All exporting countries are to provide APHIS with a bilateral workplan by the NPPO of the exporting country.

Production Site Registrations (foreign government) (business) - The peppers must be grown in approved production sites registered with the NPPO of the exporting country. Initial approval of the production sites will be completed jointly by the exporting country's NPPO and APHIS.

Quality Control Program (foreign government) - The exporting country's NPPO must maintain an APHIS-approved quality control program to monitor or audit the trapping program. Medfly traps with an approved lure must be placed inside a buffer area 500 meters wide around the registered Medfly traps with an approved lure and must be placed inside a buffer area 500 meters wide around the registered production site, at a density of 1 trap per 10 hectares and a minimum of 10 traps. They must be checked at least every 7 days and set for at least 2 months before export and trapping continue to the end of the harvest.

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 certificate.

However, APHIS is involved with the governmentwide utilization of the International Trade Data System (ITDS) via the Automated Commercial Environment (ACE) to improve business operations and further agency missions. This will allow respondents to submit the data required by the United States Customs Border Protection and its Partner Government Agencies (PGAs), such as APHIS to import and export cargo, such as peppers through a Single Window concept.

APHIS is also establishing a system known as e-File for CARPOL (certification, accreditation, registration, permitting, and other licensing) activities. This new system will strive to automate some of these information collection activities. This system is still being developed and business processes are being identified and mapped.

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 to prevent the introduction of plant pests and plant diseases into the United States, and to prevent the spread of diseases within the United States. The information 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 insect pests such as the Medfly from entering the United States. APHIS estimates that 25 percent of the respondents could be considered 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.

If this information was not collected or collected less frequently, it would cripple APHIS' ability to regulate and prevent the importation or spread of plant pests and diseases from entering the United States.

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;**

The exporting country's NPPO must maintain an APHIS-approved quality control program to monitor or audit the trapping program. They must be checked at least every 7 days and set for at least 2 months before export and trapping continue to the end of the harvest.

- **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.

APHIS held productive consultations with the following individuals concerning the information collection activities associated with its program to import peppers from Central American countries:

Jeffrey Austin
Area Director-APHIS-IS
United States Embassy-Costa Rica
Calle 98 Vía 104,
Pavas, San José, Costa Rica ,
Karla Tay
Especialista Agrícola
United States Embassy, Guatemala
Avenida Reform, 7-01
Zona 10
Guatemala City, Guatemala, 01010

Jeffrey Liss
Regional Director
USDA, APHIS, IS
United States Embassy - Honduras
Avenida La Paz
Tegucigalpa, Honduras

On Tuesday, March 24, 2015, pages 15550-15551, APHIS published in the Federal Register, a 60-day notice seeking public comments on its plans to request a 3-year renewal of this collection of information. No comments from the public were received.

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 Central American countries, NPPOs, and businesses. APHIS estimates the total annualized cost to these respondents to be \$68,310.00 which is the estimated total burden hours (4,554) multiplied by the estimated average hourly wage (\$15.00).

$$4,554 \times \$15.00 = \$68,310.00$$

\$15.00 is the hourly rate derived from the U.S. Department of Labor, Bureau of Labor Statistics May 2014 Report - Occupational Employment and Wages in the United States. See <http://www.bls.gov/news.release/pdf/ocwage.pdf>

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 \$223,568. (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.

ICR Summary of Burden:

| | Requested | Program Change Due to New Statute | Program Change Due to Agency Discretion | Change Due to Adjustment in Agency Estimate | Change Due to Potential Violation of the PRA | Previously Approved |
|----------------------------|-----------|-----------------------------------|---|---|--|---------------------|
| Annual Number of Responses | 791,478 | 0 | 788,112 | -787,164 | 0 | 790,530 |
| Annual Time Burden (Hr) | 4,554 | 0 | 2,621 | -1,066 | 0 | 2,999 |
| Annual Cost Burden (\$) | 0 | 0 | 0 | 0 | 0 | 0 |

Overall, the burden increased by 948 responses and 1,555 total burden hours due to program changes and adjustments – as such APHIS is now requesting 791,478 total burden hours and 4,554 responses. In addition, the number of respondents decreased by 209 respondents due to a previous miscalculation of the number of respondents; however, APHIS has added businesses as a new respondent group to this information collection.

Program Change:

The following burden items were added to this information collection because they were previously not accounted for in any other information collection. The total change due to these program changes is + 2,621 burden hours and +788,112 responses.

- Inspection (business): +1,140 burden hours; +570 responses
- Phytosanitary Certificates (business): +270 burden hours; +270 responses
- Labeling of Boxes (business): +653 burden hours; +787,200 responses (note this was previously accounted for as foreign government and is actually business)
- Bilateral Workplan (foreign government): +480 burden hours; +6 responses
- Production Site Registrations (business): +15 burden hours; +30 responses
- Production Site Registrations (foreign government): +15 burden hours; +30 responses
- Quality Control Program (foreign government): +48 burden hours; + 6 responses

Adjustments:

The following burden items were adjusted to better represent current trade and include Panama being added. The total change due to adjustment is -1,066 burden hours and -787,164 responses.

- Inspections (foreign government)
- Phytosanitary Certificates (foreign government)
- Monitoring Traps (foreign government)
- Trapping Records (foreign government)

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 associated with 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.