

March 2015

**Supporting Statement**  
**Importation of Tomato Plantlets in Approved**  
**Growing Media from Mexico**  
**Docket No. APHIS-2014-0099**  
**OMB No. 0579-XXXX**

**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.

The regulations in Title 7, Code of Federal Regulations (CFR), Part 319 prohibit or restrict the importation into the United States of certain plants and plant products to prevent the introduction of plant pests and noxious weeds. The regulations in “Subpart –Plants for Planting,” §§ 319.37 through 319.37-14 (referred to as the regulations) contain, among other things, prohibitions and restrictions on the importation of plants, plant parts, and seeds for propagation.

APHIS is proposing to amend the regulations governing the importation of plants for planting to authorize the importation of tomato plantlets from Mexico in approved growing media, subject to a systems approach. The systems approach would consist of measures currently specified for tomato plants for planting not imported in growing media, as well as measures specific to all plants for planting imported into the United States in approved growing media. Additionally, the plantlets would have to be imported into greenhouses in the United States that have entered into compliance agreements with APHIS regarding the conditions under which the plants must enter and be maintained within the greenhouses.

This proposed rule would allow for the importation into the United States of tomato plantlets from Mexico in approved growing media, while providing protection against the introduction of plant 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 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 to govern the importation of plants for planting to authorize the importation of tomato plantlets from Mexico in approved growing media, subject to a systems approach.

**Bilateral Workplan:** The National Plant Protection Organization (NPPO) of the country in which the articles are produced must have entered into a bilateral workplan with APHIS. This bilateral workplan must set out conditions for monitoring the production of articles of *Pelargonium* spp. and *Solanum* spp., for enforcement of the requirements of paragraph (r)(3).

**Production Site Registration:** The production site where the articles of *Pelargonium* spp. and *Solanum* spp. are produced, and intended for export to the United States, must be registered with and certified by both APHIS and the NPPO. As part of the certification process, production sites must be initially approved and thereafter visited at least once a year by APHIS and the NPPO to verify compliance with the requirements of paragraph (r)(3).

**Recordkeeping:** The production site must conduct ongoing testing for *R. solanacearum* race 3 biovar 2. Only articles of *Pelargonium* spp. and *Solanum* spp. from a group of articles that has been tested according to an APHIS-approved testing protocol with negative results for the presence of *R. solanacearum* race 3 biovar 2 may be used in production and export. Records of the testing must be kept for two growing seasons and made available to representatives of APHIS and NPPO. All testing procedures must be approved by APHIS.

**Labeling:** Articles of *Pelargonium* spp. or *Solanum* spp. produced for export within an approved production site must be handled and packed in a manner adequate to prevent the introduction of *R. solanacearum* race 3 biovar 2. The articles must be labeled with information indicating the production site from which the articles originated.

**Phytosanitary Certificate (foreign):** The phytosanitary certificate of inspection required by §319.37-4 should accompany articles and must contain an additional declaration that states “These articles have been produced in accordance with the requirements in 7 CFR 319.37-5(r)(3).

**Trust Fund:** The government of the country in which the articles are produced must enter into a trust fund agreement with APHIS before each growing season.

**PPQ Form 519 - Compliance Agreement:** Articles of *Pelargonium* spp. or *Solanum* spp. must be grown in compliance with a written agreement between the grower and the plant protection service of the country where the article is grown, in which the grower agrees to comply with the provisions of this section and to allow inspectors and representatives of the plant protection service of the country where the article is grown, access to the growing facility as necessary to monitor compliance.

**Inspections:** Greenhouses should be inspected and found free from evidence of quarantine pests by an APHIS inspector or an inspector of the plant protection service of the exporting country, no more than 30 days prior to the date of export to the United States.

**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 519 is automated and available at <http://www.aphis.usda.gov/library/forms/pdf/ppq519.pdf>.

**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 United States from destructive plant pests. APHIS has determined 100% 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 tomato plantlets from Mexico are not carrying plant pests. If plant pests were introduced into the United States, growers would suffer hundreds of millions of dollars in losses .

**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 2014-2015:

Bryant Ambelang  
President and CEO  
NatureSweet Farms,  
26 S. Eurofresh Ave.  
Willcox, Arizona 85743

Ricardo Cristantes  
Vice President  
Wholesum Family Farms, Inc.,  
2811 N. Palenque Ave., Suite 3  
Nogales, AZ 85621

Lee Frankel  
Frankel International Solutions/  
United Fresh Produce Association,  
1901 Pennsylvania Ave., NW  
Washington DC 20006

The proposed rule, Docket Number APHIS-2014-0099, will describe its information gathering requirements, and also provide a 60-day comment period. During this time, interested members of the public will have the opportunity to provide APHIS with their input concerning the usefulness, legitimacy, and merit of the information activities APHIS is proposing.

**9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration 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 a 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 \$2,552. APHIS arrived at this figure by multiplying the total burden hours (319) by the estimated average hourly wage of the above respondents (\$8.). This estimated salary was derived from the APHIS IS attaches located in Mexico.  $319 \times \$8. = \$2,552$

**13. Provide estimates of the total annual cost burden to respondents or record keepers 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 \$10, 867. (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.

**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 over 10 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 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.