

September 2015
SUPPORTING STATEMENT
Importation of Citrus from Peru, Expansion of Citrus Growing Area
APHIS Docket No. 2015-0005
OMB No. 0579-0433

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 is responsible for preventing plant pests and noxious weeds from entering the United States, preventing the spread of plant diseases not widely distributed into 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” (7 CFR 319.56 through 319.56-71, referred to below 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 and plant diseases.

Currently, the regulations allow the importation of citrus fruit to the United States from five approved citrus-producing zones in Peru, subject to a systems approach. However, based on the findings of a pest list and commodity import evaluation, APHIS has determined that this systems approach also mitigates the plant pest risk associated with citrus fruit produced in all other areas of Peru. This will allow the importation of citrus fruit from the entire country of Peru while continuing to provide protection against the introduction of plant pests into the continental United States.

This collection provides for the importation of citrus from Peru into the United States while continuing to protect the United States against the introduction of plant pests.

APHIS is asking the Office of Management and Budget (OMB) to approve, for 3 years, the use of these information collection activities, associated with its effort to prevent the spread of plant pests and 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 allow, under certain conditions, the importation of fresh commercial citrus fruits from Peru into the United States:

Phytosanitary Certificate (foreign government) 319.56-41(g) – Each consignment of fruit must be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Peru stating that the fruit has been inspected and found free of plant pests.

Grower Registration and Agreement (business) 319.56-41(d) – The production site, where the fruit is grown, must be registered for export with the NPPO of Peru, and the producer must have signed an agreement with the NPPO of Peru whereby the producer agrees to participate in and follow the fruit fly management program established by the NPPO of Peru.

Records (foreign government) 319.56-41(e)(2) – The NPPO of Peru, or its designated representative, must keep records that document the fruit fly trapping and control activities in areas that produce citrus for export to the United States. All trapping and control records kept by the NPPO of Peru, or its designated representative, must be made available to APHIS upon request for 5 years.

Trapping and Control of Fruit Fly Population (business) 319.56-41(e) - The NPPO of Peru's fruit fly management program must be approved by APHIS, and must require that participating citrus producers allow APHIS inspectors access to production areas in order to monitor compliance with the fruit fly management program. The business employees escort the inspectors throughout the inspection. The fruit fly management program must also provide for the following:

Trapping and control - In areas where citrus is produced for export to the United States, traps must be placed in fruit fly host plants at least 6 weeks prior to harvest at a rate mutually agreed upon by APHIS and the NPPO of Peru. If fruit fly trapping levels at a production site exceed the thresholds established by APHIS and the NPPO of Peru, exports from that production site will be suspended until APHIS and the NPPO of Peru conclude that fruit fly population levels have been reduced to an acceptable limit. Fruit fly traps are monitored weekly; therefore, reinstatements of production sites will be evaluated on a weekly basis.

Application for Permit to Import Plant or Plant Products (PPQ 587) (business) 319.56-3(b) and 319.56-41(a) - All fruits and vegetables whether commercial or noncommercial consignments, must be imported under permit issued by APHIS, and must be imported under the conditions specified in the permit, and must be imported in accordance with all applicable regulations in 319.56.3.

Trapping and Control of Fruit Fly (foreign government) 319.56-41(e) - The NPPO of Peru's fruit fly management program must be approved by APHIS, and must require that participating

citrus producers allow APHIS inspectors access to production areas in order to monitor compliance with the fruit fly management program.

Reinstatement of Growers/Production Sites (foreign governments) 319.56-41(e) - If fruit fly trapping levels at a production site exceed the thresholds established by APHIS and the NPPO of Peru, exports from that production site will be suspended until APHIS and the NPPO of Peru conclude that fruit fly population levels have been reduced to an acceptable limit. Fruit fly traps are monitored weekly; therefore, reinstatements of production sites will be evaluated on a weekly basis.

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.

Application for Permit to Import Plant or Plant Products (PPQ 587) – This form is downloadable at www.aphis.usda.gov/library/forms and is fillable and printable. It may then be faxed or mailed to APHIS at the respondents' preference.

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.

The primary entities that may be affected by this rule are citrus producers, citrus importers, and support industries such as packinghouses. Based on data from the Census of Agriculture and Small Business Administration small entity standards, the majority of these operations are small. APHIS is estimating approximately 90 percent 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.

If APHIS did not collect this information or collected it less frequently, APHIS could not verify that fruit was treated, or verify that citrus canker, fruit flies, and other pests were destroyed by treatment, or that the treatment was adequate to prevent the risk of plant pests 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;**

Fruit fly traps are monitored weekly; therefore, reinstatements of production sites will be evaluated on a weekly basis.

- **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;**

The NPPO of Peru, or its designated representative, must keep records that document the fruit fly trapping and control activities in areas that produce citrus for export to the United States. All trapping and control records kept by the NPPO of Peru, or its designated representative, must be made available to APHIS upon request for 5 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.

In the past year, APHIS held productive consultations with the following individuals concerning the information collection activities associated with this program:

Sergio del Castillo, Manager
Procitrus
Av. Nicolás Arriola N° 314 Oficina 903 Urb.
Santa Catalina La Victoria, Lima 13 – Perú
511-224-9026

Ricardo Polis
Manager
Agricola Hoja Redonda
Jr. Miró Quesada 247, piso 8 Lima 1 – Perú
201-362-22725

Jose Antonio Gomez, Manager
Camposal
Av. El Derby 250, Piso 4
Urb. El Derby de Monterrico
Santiago de Surco
511-634-7100

APHIS' proposed rule (Docket No. APHIS-2015-0005) was published in the Federal Register on Friday, May 1, 2015, pages 24838-24840, with a 60-day comment period. During that time APHIS received 13 comments from interested members of the public. None of the comments dealt with paperwork burden, and all of the comments supported this action. Therefore, APHIS adopted the proposed rule as a 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 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 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 respondents to be \$42,012. APHIS arrived at this figure by multiplying the total burden hours (2,334) by the estimated average hourly wage (\$18).

2,334 hours X estimated hourly wage of \$18. = \$42,012

The estimated hourly wage was provided by APHIS' International Services Agricultural Specialist in Peru.

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 to the Federal Government is \$38,061 (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.

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.

The PPQ Form 587 (Application for Permit to Import Plants or Plant Products) is used in 10 other 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 in the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.