

**Supporting Statement
Importation of Fresh Peppers from Ecuador
into the United States
OMB No. 0579-0437**

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.

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 widely distributed throughout the United States.

The regulations in “Subpart-Fruits and Vegetables” (7 CFR 319.56, 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 that are new to or not widely distributed within the United States.

APHIS amended the fruits and vegetables regulations to allow the importation of fresh peppers into the United States from Ecuador. As a condition of entry, the fruit must be produced in accordance with a systems approach and quality control program that includes requirements for fruit fly trapping, pre-harvest inspections, production site registration, and packinghouse registration and procedures designed to exclude quarantine pests. The fruit is also required to be imported in commercial consignments with box labeling and accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Ecuador stating that the consignment was produced and prepared for export in accordance with the requirements in the bilateral operational workplan, including recordkeeping requirements. This action allows for the importation of fresh peppers from Ecuador while continuing to provide protection against the introduction of plant pests into the United States.

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 fruit flies and other 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 will use the following information activities in allowing the import of fresh peppers into the United States from Ecuador:

Operational Workplan (foreign officials) (319.56-74(a))– The NPPO of Ecuador must provide a bilateral operational workplan to APHIS that details activities that the NPPO of Ecuador will, subject to APHIS’ approval of the workplan, carry out to meet the requirements of this section. The bilateral operational workplan must include and describe the specific requirements as set forth in this section.

Production Site Registration (business) (319.56-74(c) (2) – All production sites that participate in the pepper export program must be registered with the NPPO of Ecuador.

Inspection (foreign officials) (319.56-74(c) (3) - The production sites must be inspected prior to harvest by the NPPO of Ecuador or its approved designee in accordance with the bilateral operational workplan. If any quarantine pests are found to be generally infesting or infecting the production site, the NPPO of Ecuador will immediately prohibit that production site from exporting peppers to the United States and notify APHIS of this action. The prohibition will remain in effect until the NPPO of Ecuador and APHIS determine that the pest risk has been mitigated.

Recordkeeping (foreign officials) (319.56-73 (c) (4) (iii) - The NPPO of Ecuador must maintain records of trap placement, checking of traps, and any quarantine pest captures in accordance with the bilateral operational workplan.

Quality Control Program (foreign officials) (319.56-73 (c) (4) (iii) - The NPPO of Ecuador must maintain an APHIS-approved quality control program to monitor or audit the trapping program, and the trapping records must be maintained for APHIS review in accordance with the bilateral operational workplan.

Packinghouse Registration (business) (319.56-74 (d) (1) - All packinghouses that participate in the export program must be registered with the NPPO of Ecuador.

Phytosanitary certificate (foreign officials) (319.56-74 (e) (1) - Each consignment of peppers must be accompanied by a phytosanitary certificate issued by the NPPO of Ecuador stating that the consignment was produced and prepared for export in accordance with the requirements in the bilateral operational workplan.

Box Labeling (business) (319.56-74 (e) (1) - The shipping boxes must be labeled with the identity of the production site.

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.

APHIS has no control or influence over when foreign countries will automate their phytosanitary certificate. However, APHIS is involved with the Government-wide 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 U.S. Customs and 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. The system is still being developed and business processes continue to be identified and mapped.

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 while increasing the number and variety of fruits and vegetables that can be imported from other countries. APHIS has determined that all 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 peppers from Ecuador are not carrying plant pests. The information APHIS is collecting for this program is the minimum needed to protect the United States from the potential introduction of plant pests into this country.

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 regarding this program:

Bravo Fruit, LLC.

Ash Shoukry, General Manager
 2404 S Wolcott Ave Ste 21.
 Chicago, IL 60608
ash@usfv.com
 831-760-0714

La Hacienda

Rocío Vega, General Manager
 3000 S. Ashland Ave. Unit # 4.
 Chicago, IL 60608
rociovega@lahaciendabrands.com
 312-243-2755

North Bay Produce

Michael Girardin

1771 N Us 31 S,

Traverse City MI

mgirardin@northbay.com

231-946-1941

APHIS' proposed rule (Docket No. APHIS-2014-0086) was published in the Federal Register on Friday, April 24, 2015, with a 60-day comment period. During that time, no comments from the public were received; therefore, APHIS adopted the proposed rule as the final rule with one minor change to the final rule before publication in the Federal Register on Friday, October 23, 2015, pages 64307-64309, i.e., adding tomato leaf miner as another common name associated with the plant pest *Tuta absoluta*.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration 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 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 \$25,262. APHIS arrived at this figure by multiplying the total burden hours (1,486) by the estimated average hourly wage of the above respondents (\$17). $1,486 \text{ hours} \times \$17 \text{ estimated hourly wages} = \$25,262$

This estimated hourly wage was derived from the APHIS/International Services attache located in Ecuador.

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 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 for 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 \$11,497. (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 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 included 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 under this Act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.