

**SUPPORTING STATEMENT**  
**Importation of Tomatoes from Certain**  
**Central American Countries**  
**OMB NO. 0579-0286**

March 2016

**NOTE: This is a reinstatement of a previously approved information collection with changes.**

**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 (USDA) 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, 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 with the United States.

Under these regulations, pink or red tomatoes from Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama may be imported into the United States only under certain conditions to prevent the introduction of plant pests into the United States.

This collection allows for the importation of pink and red tomatoes from those countries in Central America while continuing to provide protection against the introduction of quarantine pests into the United States.

APHIS is asking OMB to approve for 3 years, its use of information collection activities associated with its efforts to prevent the introduction of plant pests 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 prevent the introduction and dissemination of plant pests into the United States:

**Pre-harvest inspection (Foreign Government) (319.56-28(f)(1)(ii))**

A pre-harvest inspection of the production site must be conducted by the National Plant Protection Organization (NPPO) of the exporting country for pea leaf miner, tomato fruit borer, and potato spindle tuber viroid. The NPPO, or the designated representative, will visit all production sites and conduct the inspections with cooperation from production site management. If any of these pests are found to be generally infesting the production site, the NPPO may not allow exports from that production site until the NPPO and APHIS have determined that risk mitigation has been achieved.

**Production Site Registration (Foreign Government and Business) (319.56-28(2)(i))**

The tomatoes must be grown in approved and registered production sites. Initial approval of the production sites will be completed jointly by the exporting country's NPPO and APHIS. The exporting country's NPPO must visit and inspect the production sites monthly starting 2 months before harvest and continuing through until the end of the shipping season. APHIS may monitor the production sites at any time during this period.

**Trapping Records (Foreign Government) (319.56-28(f)(iv))**

The exporting country's NPPO must maintain records of trap placement checking of traps and any Medfly captures, and must make them available to APHIS upon request. Records must be maintained and available to APHIS for review for 1 year.

**Production Site and Packinghouse Recordkeeping (Foreign Government) (319.56-28(f)(1)(ii))**

The exporting country's NPPO must maintain records of trap placement, checking of traps, and any Medfly captures in addition to production site and packinghouse inspection records.

**Export Certification (Foreign Government) (319.56-28(f)(1)(iv))**

The exporting country's NPPO is responsible for export certification of the tomatoes.

**Phytosanitary Certificate (Foreign Government and Business) (319.56-28(f)(1)(iv))**

The exporting country's NPPO is responsible for the issuance of phytosanitary certificates. Each shipment of tomatoes must be accompanied by a phytosanitary certificate issued by the NPPO bearing the declaration, "These tomatoes 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."

Additionally, each consignment of tomatoes must be accompanied by a phytosanitary certificate issued by the NPPO bearing the declaration, "These tomatoes were grown in an approved production site and the consignment has been inspected and found free of the pests listed in the requirements."

**Monitoring/Auditing Trapping Program (Foreign Government) (319.56-28(f)(2)(i))**

The exporting country's NPPO must maintain an APHIS-approved quality control program to monitor or audit the trapping program.

**Labeling of Boxes (Business) (319.56-28(E)(vii))**

Shipping boxes must be labeled with the identity of the production site for trace-back purposes.

### **Recertification of Production Sites (Foreign Government) (319.56-28(2)(i)**

If a single Medfly is detected inside a registered production site or in a consignment, the registered production site will lose its ability to export tomatoes to the United States until APHIS and the exporting country's NPPO mutually determine that risk mitigation is achieved. Production sites can then resume production.

The greenhouse must be inspected prior to harvest for pea leaf miner, tomato fruit borer, and potato spindle tuber viroid. If any of these pests, or other quarantine pests, are found to be generally infesting the greenhouse, exports from that production site will be halted until the exporting country's NPPO and APHIS determine that the pest risk has been mitigated. Once mitigated, production can resume.

### **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 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 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 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 18 percent of the total 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 and tomatoes from Central America are not carrying fruit flies. If Medfly is introduced into tomato growing areas of the United States; growers in these areas 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;**

The exporting country's NPPO must visit and inspect the production sites monthly starting 2 months before harvest and continuing through until the end of the shipping season.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Traps with approved protein bait for Medfly must be placed inside the greenhouses at a density of four traps per hectare, with a minimum of two traps per greenhouse. Traps must be serviced on a weekly basis. Traps must be checked at least every 7 days.

- **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.**

In 2015, APHIS held productive consultations with the following individuals concerning the information collection activities associated with its program to import tomatoes from Certain Central American countries:

Trojas Tomato Agro-Industrial Association  
Andres Montero, Product Manager  
Ministry of Agriculture  
Sabana Sur, San Jose  
Phone: 232-19-492

Mike Montana  
California Tomato Growers Association, Inc.  
2300 River Plaza drive,  
Suite 100 Sacramento, CA 95833  
Phone: (916) 925-0225

Emanuel Lazopoulous  
Senior Vice President Fresh Del Monte Produce  
Corporacion de Desarrollo Agricola Del Monte S.A.  
Edificio Del Monte  
200 Metros al Este del Periodico La Republica  
Tel: 506-2212-9000

On Tuesday, November 3, 2015, page 67701, 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 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 83-1.**

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 growers in Central America, NPPOs, and shippers. The annualized cost to the respondents totaled \$21,460. APHIS arrived at this figure by multiplying the total burden hours (1,160) by the estimated average hourly wage of the above respondents (\$18.50). This information was provided by the APHIS IS attaché in Central America.

1,160 burden hours X \$18.50 estimated average hourly wage = \$21,460.

The estimated hourly wage was provided by the APHIS IS attaché in Central America.

**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 \$28,570 (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	6072	0	6072	0	0	0
Annual Time Burden (Hr)	1160	0	1160	0	0	0
Annual Cost Burden (\$)	0	0	0	0	0	0

This reinstatement is a program change resulting in +54 respondents, +6,072 total annual responses, and +1,160 total burden hours.

After careful review of the regulations, APHIS has added the following burden items to this collection: (1) Pre-Inspection Harvest; (2) Production Site Registration (business and foreign government); (3) Production Site and Packinghouse Inspection Records (foreign government); (4) Export Certification; (5) Phytosanitary Certification (foreign government); and (6) Recertification of Production Sites.

**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.**

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.