

**Supporting Statement
Importation of Fruit from Thailand
OMB No. 0579-0308**

2017

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

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 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” (7 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 within the United States.

APHIS’ fruits and vegetables regulations allow the importation into the United States of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand. As a condition of entry, these fruits have to be grown in production areas that are registered with and monitored by the National Plant Protection Organization (NPPO) of Thailand, treated with irradiation in Thailand at a dose of 400 gray for plant pests of the class Insecta (except pupae and adults of the order of Lepidoptera), and subject to inspection. The fruits also have to be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit has been treated with irradiation in Thailand and, in the case of litchi, that the fruit has been inspected and found to be free of Peronophythora litchii, a fungal pest of litchi. This action allows for the importation of litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand into the United States 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 3 years, its use of these information collection activities, associated with its efforts to prevent the spread of plant pests and plant 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 collection activities to allow the importation of fruit from Thailand into the continental United States.

Phytosanitary Certificate (Foreign Government and Business) - 7 CFR 319.56.47(c)

APHIS requires that some plants or plant products be accompanied by a phytosanitary inspection certificate that is completed by plant health officials in the originating or transiting country. APHIS uses the information on the certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. This information is used as a guide to the intensity of the inspection APHIS conducts when the shipment arrives. Without this information, all shipments would need to be inspected very thoroughly, thereby requiring considerably more time. This would slow the clearance of international shipments.

As a condition of entry, litchi, longan, mango, mangosteen, pineapple, and rambutan from Thailand must be accompanied by a phytosanitary certificate with an additional declaration stating that the fruit has been treated with irradiation in Thailand and, in the case of litchi, that the fruit has been inspected and found to be free of Peronophythora litchi, a fungal pest of litchi.

Import Permit (PPQ Form 587) (Business) - 7 CFR 319-56

Import permits are submitted to APHIS by United States importers in order to request a permit to import plants or plant products. On this form, the requester lists the country of origin, the quantity and names of the plants or plant products, and their port of arrival in the United States. APHIS uses this information to determine if a permit can be issued.

Labeling (Foreign Government and Business) - 7 CFR 319.56.47(d)

Cartons in which litchi and longans are packed must be stamped “Not for importation into or distribution in Florida.” In addition to meeting the labeling requirements in Part 305 of this chapter, cartons in which litchi and longan are packed must be stamped “Not for importation into or distribution in Florida.”

Production Site Registration (Business) - 7 CFR 319.56-47(a)

Litchi, longan, mango, mangosteen, pineapple, and rambutan must be grown in a production area that is registered with and monitored by the national plant protection organization of Thailand.

Compliance Agreement (PPQ Form 519) (Business) - 7 CFR 319.56-47(a)

If irradiation of imported articles is conducted outside the United States, the operator of the irradiation facility must sign a compliance agreement with APHIS and the NPPO of the country in which the facility is located. In this agreement, the facility operator must agree to comply with the requirements of this section, and the NPPO of the country in which the facility is located must agree to monitor that compliance and to inform the Administrator of any noncompliance.

Approved Irradiation Facilities (Business) - 7 CFR 305.9

The irradiation treatment facility must be approved by APHIS. Other agencies that have regulatory oversight and requirements must concur, in writing, with the establishment of the facility prior to APHIS approval. In order to be approved, a facility must fulfill the requirements in paragraphs (c) and (d) of this section.

Recordkeeping (Business) - 7 CFR 305.9(k)

An irradiation processor must maintain records of each treated lot for 1 year following the treatment date, and must make these records available for inspection by an inspector during normal business hours (8 a.m. to 4:30 p.m., Monday through Friday, except holidays). These records must include the lot identification, scheduled process, evidence of compliance with the scheduled process, ionizing energy source, source calibration, dosimetry, dose distribution in the product, and the date of irradiation.

Trust Fund Agreement (Foreign Government and Business) - 7 CFR 305.9(e)(2)(ii)

Irradiated articles may be imported into the United States in accordance with this section only if the NPPO of the country in which the irradiation facility is located or a private export group has entered into a trust fund agreement with APHIS. The agreement must require NPPO or the private export group to pay, in advance of each shipping season, all costs that APHIS estimates it will incur in providing inspection and treatment monitoring services at the irradiation facility during that shipping season. Those costs include administrative expenses and all salaries (including overtime and the Federal share of employee benefits), travel expenses (including per diem expenses), and other incidental expenses incurred by APHIS in performing these services. The agreement will describe the general nature and scope of APHIS services provided at irradiation facilities covered by the agreement, such as whether APHIS inspectors will monitor operations continuously or intermittently, and the agreement will generally describe the extent of inspections APHIS will perform on articles prior to and after irradiation. The agreement requires NPPO or the private export group to deposit a certified or cashier's check with APHIS for the amount of those costs, as estimated by APHIS. If the deposit is not sufficient to meet all costs incurred by APHIS, the agreement further requires NPPO or the private export group to deposit with APHIS a certified or cashier's check for the amount of the remaining cost, as determined by APHIS, before any more articles irradiated in that country may be imported into the United States. After a final audit at the conclusion of each shipping season, any overpayment of funds would be returned to NPPO or the private export group, or held on account until needed, at the option of NPPO or the private export group.

Facility Operational Workplan (Foreign Government) - 7 CFR 305.9(e)(2)(i)

Prior to commencing importation into the United States of articles treated at a foreign irradiation facility, APHIS and the NPPO of the country from which articles are to be imported must jointly develop a preclearance workplan that details the activities that APHIS and the foreign NPPO will carry out in connection with each irradiation facility to verify each facility's compliance with the requirements of this section. Typical activities to be described in this workplan may include frequency of visits to the facility by APHIS and foreign plant protection inspectors, methods for reviewing facility records, and methods for verifying that facilities are in compliance with the requirements for separation of articles, packaging, labeling, and other requirements of this

section. This facility preclearance workplan will be reviewed and renewed by APHIS and the foreign NPPO on an annual basis.

Foreign Site Certificate of Inspection and/or Treatment (PPQ Form 203) (Business)
7 CFR 319.56-47(c)

This form is used by APHIS to verify that all treatments of nursery stock performed outside of the United States, and supervised by an APHIS inspector in the country exporting the regulated articles to the United States, are conducted in accordance with the regulations. The APHIS inspector who supervises the treatment issues a PPQ Form 203 and certifies that the regulated articles have been treated in accordance with the PPQ Treatment Manual, which is incorporated by reference at § 300.1(a).

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 foreign 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 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.

The PPQ Form 587 is available electronically on the APHIS website at <https://www.aphis.usda.gov/library/forms/pdf/PPQ587.pdf>.

The PPQ Form 519 is available electronically on the APHIS website at <https://www.aphis.usda.gov/library/forms/pdf/ppq519.pdf>.

The PPQ Form 203 is available electronically on the APHIS website at <https://www.aphis.usda.gov/library/forms/pdf/ppq203.pdf>.

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 in connection with this program is the minimum needed to protect the United States from plant pests and diseases from entering the United States. APHIS has determined that 50 percent of the business 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.

This information collection activity is critical to its mission of ensuring that longan, mango, mangosteen, pineapple, and rambutan from Thailand is pest free and that litchi is free of Peronophythora litchii, a fungus that could cause millions of dollars in damage to U.S. agriculture.

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.

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

Carmel Agrexco USA LTD
Robert Morris, Fresh Herbs Product Manager
Rishon Lezion, 7565512, Israel
Tel: 972-(0)3-563-0900
Email: robertm@agrexco.com
Frieda's Incorporated

Alex Jackson
Sales Marketing Manager
4465 Corporate Center Drive
Los Alamitos, CA 90720-2561
714-826-6100

Somboon Agro House
Mohi Sahali
89 Din Dang
Bangkok, Thailand 10400
(66) 1827-8184

On Friday, July 1, 2016, page 43183, 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. During that time, APHIS received no comments from the public regarding this information collection.

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.

The estimated annualized cost to respondents is \$22,920. APHIS arrived at this figure by multiplying the total burden hours (1,528) by the estimated average hourly wage of respondents (\$15). 1,528 burden hours X \$15 estimated hourly wage = \$22,920.

The estimated average hourly wage of respondents was developed by using historical data through discussions with importers of fruit from Thailand and APHIS' International Services specialists.

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 \$ 54,141. (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.

	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	67,131	0	67,131	0	0	0
Annual Time Burden (Hr)	1,528	0	1,528	0	0	0
Annual Cost Burden (\$)	0	0	0	0	0	0

This reinstatement is a program change resulting in +12 respondents, +67,131 total annual responses, and +1,528 total burden hours.

The program change increase is due to APHIS now accounting for eight additional requirements that were erroneously omitted from the previous renewal and are now being reported as a violation: (1) Import Permit (PPQ 587); (2) Production Site Registrations & Monitoring; (3) Compliance Agreements (PPQ 519); (4) Approved Irradiation Facilities; (5) Recordkeeping; (6) Trust Fund Agreements; (7) Facility Operational Workplan; and (8) Foreign Site Certificate of Inspection and/or Treatment (PPQ 203).

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 519 is included in 14 information collections, the PPQ Form 587 is included in 10 information collection, and the PPQ Form 203 is included in 3 information collections; therefore, it is not practical to include an OMB expiration date on these forms because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on these forms.

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.