

January 2017

Supporting Statement
Importation of Lemons from Northwest Argentina
Docket No. APHIS 2014-0092
OMB No. 0579-0448

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), Animal and Plant Health Inspection Service (APHIS), 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 amended the fruits and vegetables regulations to allow the importation of lemons from northwest Argentina into the continental United States. As a condition of entry, lemons from northwest Argentina have to be produced in accordance with a systems approach that includes requirements for importation in commercial consignments; a limited harvest period; registration and monitoring places of production and packinghouses; grove sanitation, monitoring, and pest control practices; treatment with surface disinfectant; and inspection for quarantine pests by the Argentine National Plant Protection Organization (NPPO).

Lemons from northwest Argentina are also be required to be accompanied by a phytosanitary certificate with an additional declaration stating that the lemons have been inspected and found to be free of quarantine pests and were grown and packed in accordance with requirements. In addition, within the continental United States, lemons from northwest Argentina are prohibited from importation into or distribution in the commercial citrus-producing States of Arizona, California, Florida, Louisiana, and Texas. The importation of lemons from northwest Argentina into the United States is now allowed, while providing protection against the introduction of quarantine pests.

APHIS is asking OMB to approve the use of this information collection activity, for 3 years, associated with its efforts to prevent the spread of plant diseases and plant pests from entering 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 activity to allow for the importation of lemons from northwest Argentina into the United States:

319.56.73(a)(1) Operational Workplan (foreign government) - The NPPO of Argentina must provide an operational workplan to APHIS that details the activities that the NPPO of Argentina and places of production and packinghouses registered with the NPPO of Argentina will, subject to APHIS' approval of the workplan, carry out to meet all requirements. The operational workplan must include and describe the specific requirements as set forth in this section. APHIS will be directly involved with the NPPO of Argentina in monitoring and auditing implementation of the systems approach.

319.56.73(a)(2) Production Site Registrations (business and foreign government) - The lemons considered for export to the continental United States to be grown by places of production that are registered with the NPPO of Argentina.

319.56-73(a)(3) Packinghouse Registrations (business and foreign government) -The lemons to be packed for export to the continental United States in pest-exclusionary packinghouses that are registered with the NPPO of Argentina.

319.56-73(a)(4) Recordkeeping (foreign government) -The NPPO of Argentina is to maintain all forms and documents pertaining to registered places of production and packinghouses for at least 1 year and, as requested, provide them to APHIS for review. Such forms and documents would include (but would not be limited to) records regarding fruit fly trapping in registered places of production and records regarding pest detections in registered places of production and registered packinghouses. Based on APHIS' review of the records, we may monitor places of production and packinghouses, as we deem warranted.

319.56-73(a)(6) Identification of Lots (business) - The identity of the each lot of lemons from Argentina must be maintained throughout the export process, from the place of production to the arrival of the lemons at the port of entry into the continental United States. The means of identification that allows the lot to be traced back to its place of production must be authorized by the operational workplan.

319.56.73(a)(7) Cold Treatment Requirements for Fruit Flies (business) - Lemons from Argentina must be harvested green and within the time period of April 1 and August 31. If they are harvested yellow or harvested outside of this time period, they must be treated for *C. capitata* in accordance with part 305 (below) and the operational workplan.

305.6(a) Certification of Treatment Facilities (business) - All facilities or locations used for refrigerating fruits or vegetables in accordance with the cold treatment schedules in the PPQ

Treatment Manual or in another treatment schedule approved in accordance with §305.2 must be certified by APHIS. Recertification of the facility or carrier is required every 3 years, or as often as APHIS directs, depending on treatments performed, commodities handled, and operations conducted at the facility.

305.6(d)(6) Numbered Seals (business) - Only the same type of fruit in the same type of package may be treated together in a container; no mixture of fruits in containers may be treated. A numbered seal must be placed on the doors of the loaded container and may be removed only at the port of destination by an official authorized by APHIS.

305.6(d)(12) Record Review/Treatment Records (business) - Cold treatment is not completed until so declared by an official authorized by APHIS or the certifying official of the foreign country; consignments of treated commodities may not be discharged until APHIS clearance has been fully completed, including review and approval of treatment record charts.

305.6(d)(14) Audits (business) - An official authorized by APHIS may perform audits to ensure that the treatment procedures comply with the regulations in this section and that the treatment is administered in accordance with the treatment schedules in the PPQ Treatment Manual or in accordance with another approved treatment schedule. The official authorized by APHIS must be given the appropriate materials and access to the facility, container, or vessel necessary to perform the audits.

305.6(e) Monitoring (business) - Treatment must be monitored by an inspector to ensure proper administration of the treatment. An inspector must also approve the recording devices and sensors used to monitor temperatures and conduct an operational check of the equipment before each use and ensure sensors are calibrated. An inspector may approve, adjust, or reject the treatment.

319.56.73(b)(1) Pest Free Determination of Production Site Biometric Determination (foreign government) - Registered places of production of lemons destined for export to the continental United States must be determined by APHIS and the NPPO of Argentina to be free from *B.chilensis* based on biometric sampling conducted in accordance with the operational workplan.

319.56.73(b)(3) Monitoring of Traps and Recordkeeping (foreign government) - Places of production must trap for *C. capitata* in accordance with the operational workplan. The NPPO must keep records regarding the placement and monitoring of all traps, as well as records of all pest detections in these traps, and provide the records to APHIS, as requested.

319.56.73(b)(5) Production Site Inspections and Recordkeeping (business and foreign government) - The NPPO of Argentina must visit and inspect registered places of production regularly throughout the exporting season for signs of infestations. These inspections must start no less than 30 days before harvest and continuing until the end of the export season. The NPPO of Argentina must allow APHIS to monitor these inspections. The NPPO of Argentina must also provide records of pest detections and pest detection practices to APHIS. Before any place of production may export lemons to the continental United States pursuant to this section, APHIS must review and approve of these practices.

319.56.73(b)(6) Recertification of Production Site (foreign government) - If APHIS or the NPPO of Argentina determines that a registered place of production has failed to follow the requirements in paragraph (b) of this section, the place of production will be excluded from the export program until APHIS and the NPPO of Argentina jointly agree that the place of production has taken appropriate remedial measures to address plant pest risk.

319.56.73(c)(5) Recertification of Packinghouse (foreign government) - If APHIS or the NPPO of Argentina determines that a registered packinghouse has failed to follow the requirements in this paragraph (c), the packinghouses will be excluded from the export program until APHIS and the NPPO of Argentina jointly agree that the packinghouse has taken appropriate remedial measures to address plant pest risk.

319.56.73 (a)(9) Phytosanitary Certificate (business and foreign government) – Each consignment of lemons imported from Argentina into the continental United States must be accompanied by a phytosanitary certificate issued by the NPPO of Argentina and stating that the requirements of this section have been met and that the consignments have been inspected and found free of Brevipalpus spp. mites, B. chilensis, C. capitata, C. gnidiella, and G. aurantianum.

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 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 introduction of exotic fruit flies into the United States 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 there are no small entities involved with this information collection.

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 this information is not collected, APHIS' ability to protect the United States from exotic insect pests would be severely compromised.

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

Diego Ruggiero, AFINOA
Av. Belgrano 430 3° B
Ciudad Autónoma de Buenos Aires
C.P: C1092AAR
Tel: 011 4343-8356 / 011 5353-0480

Eduardo Tan Yun
Citromax
Ruta Provincial 38-Km 763
CP4134 Acherai
Tucumán, Argentina
Tel: 54-38-1453-0685

Alejandro Moralejo
Fresh Fruit Commercial Director
San Miguel S.A.
Av. Alicia Moreau De Justo 140 3p. Of. 28
CP: 1107 Buenos Aires
Tel: 54-11- 4315-6234

APHIS' Proposed Rule (Docket Number APHIS 2014-0092) was published in the Federal Register on Friday, December 23, 2016, with a 60-day comment period. During this time, 414 comments were received from domestic and foreign citrus producers, State and national organizations representing citrus producers, State departments of agriculture, an organization of State plant pest regulatory agencies, Argentina's national plant protection organization, the Argentine embassy, lemon importers and wholesalers, longshoremens, U.S. ports of entry, Senators, Representatives, an Argentine organization devoted to citrus research, and private citizens. The commenters raised a number of issues and concerns that are all addressed in the final rule, by topic. A few comments that mentioned paperwork burden were under the category of "Site Visits." Many commenters stated that APHIS should conduct an additional site visit before the rule is implemented, and many of those commenters also stated that representatives of State governments and subject matter experts should be involved in the site visit. APHIS responded by saying that we did conduct an additional site visit to review the details of the draft operational workplan in September of 2016. In addition to APHIS personnel, a representative from the California Department of Food and Agriculture and a former plant pathologist from USDA's Agricultural Research Service participated in the site visit as observers. The site visit

revealed nothing that would require a revision of the Pest Risk Assessment. Other commenters stated that Argentina's traceability system provides holistic records of their production system. APHIS responded by saying they conducted a thorough review of Argentina's traceability system, and APHIS looked at the requirements for growers signing up, initial site visits of production sites, ongoing oversight during the growing season, field and packinghouse inspection, approval for movement, and the final inspection for phytosanitary certificates. In addition, APHIS stated we also reviewed the computer system they used, how users are added, who controls movement and harvest approvals, and who issues phytosanitary certificates. Based on that review, APHIS considers Argentina's traceability system to be robust, and APHIS will use it for traceback as necessary.

The proposed rule is being adopted as the final rule, with minor editorial changes.

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 \$5,748.75.

The estimated wage of workers in Argentina was provided by the APHIS International Services attaché in country, and PPQ specialists. The estimate of annualized cost to respondents was determined by multiplying the total number of burden hours times the estimated wage.

\$18.25 estimated hourly wage X 315 burden hours = \$ 5,748.75 annualized cost to respondents

- 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 \$6,523 (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.**

There are no USDA forms 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.