

January 2017
Supporting Statement
Importation of Fresh Bananas from the Philippines
Into the Continental United States
OMB No. 0579-0394

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 (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 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 of fresh bananas from the Philippines into the continental United States. As a condition of entry, the bananas have to be produced in accordance with a systems approach that will include requirements for the importation of commercial consignments, monitoring of fruit flies to establish low prevalence production sites, harvesting only of hard green bananas, and inspection for quarantine pests by the National Plant Protection Organization (NPPO) of the Philippines. The bananas have to be accompanied by a phytosanitary certificate with an additional declaration stating that they were grown, packed, inspected, and found free of pests in accordance with the requirements. This action prevents the importation of plant 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 import of fresh bananas from the Philippines into the continental United States in accordance with the requirements which will restrict any plant pests from entering the United States:

319.56.58(a) Bilateral Workplan (federal government) – The NPPO of the Philippines must provide an operational workplan to APHIS that details the activities that the NPPO of the Philippines will, subject to APHIS' approval of the workplan, carry out to meet the requirements of this section.

319.56.58(a)(2) Production Site Registration (business) (federal government) – Bananas must be grown at places of production that are registered with the NPPO of the Philippines and that meet the requirements of this section. Registration must be renewed annually.

319.56.58(b)(4) Monitoring and Oversight that Includes Training (federal government) (business) – The NPPO of the Philippines must visit and inspect registered places of production monthly, starting at least 3 months before harvest begins and continuing through the end of the shipping season, to verify that the growers are complying with the requirements of this section and following pest control guidelines, when necessary, to reduce quarantine pest populations. When trapping is required under paragraph (c) of this section, the NPPO of the Philippines must also verify that the growers are complying with the requirements in that paragraph and must certify that each place of production has an effective fruit fly trapping program. Any personnel conducting trapping under paragraph (c) of this section must be trained and supervised by the NPPO of the Philippines. APHIS may monitor the places of production as necessary to ensure compliance.

319.56.58(b)(3) Maintain all Forms and Documents that Include Fruit Fly Detections and Updating Records (federal government) and Recordkeeping (federal government) – The NPPO of the Philippines must keep records of fruit fly detections for each trap, update the records each time the traps are checked, and make the records available to an APHIS inspector upon request. If, after 2 years of export inspections of banana fruit, *Bactrocera* spp. larvae have been found in the banana export program, further fruit fly trapping will not be required. Records are required to be kept for 2 years.

319.56.58(e)(2) Carton Markings with Production Site Number (business) – Harvested bananas will have to be placed in field cartons or containers that are marked with the official registration number of the place of production. The place of production where the bananas were grown will have to remain identifiable when the fruit leaves the grove, when it is at the packinghouse, and throughout the export process. These requirements will ensure that APHIS and the NPPO of the Philippines can identify the place of production where the bananas were produced if inspectors find quarantine pests in the fruit either before export or at the port of entry.

319.56.58(h)(1) Hard Green Stage Harvest Certification (federal government) - Following any post-harvest processing, inspectors from the NPPO of the Philippines must certify that bananas were harvested at the hard green stage.

319.56.58 (h)(2) Investigations (federal government) - If the NPPO of the Philippines finds that a place of production or packinghouse is not complying with the requirements of this section, no fruit from the place of production or packinghouse will be eligible for export to the United States until APHIS and the NPPO of the Philippines conduct an investigation and appropriate remedial actions have been implemented.

319.56.58(c) Fruit Fly Trapping to Establish Places of Production with Low Pest Prevalence (federal government) (business) - Beginning at least 3 months before harvest and continuing through the end of the harvest, trapping must be conducted in registered places of production with at least 1 trap per 0.2 square kilometers to demonstrate that the places of production have a low prevalence of *Bactrocera* spp. fruit flies. APHIS-approved traps baited with APHIS-approved plugs must be used and serviced at least once every 2 weeks. During the trapping, when traps are serviced, if fruit flies are trapped at a particular place of production at cumulative levels above 2 flies per trap per day, pesticide bait treatments must be applied in the affected place of production in order for the place of production to remain eligible to export bananas to the United States. The NPPO of the Philippines must keep records of fruit fly detections for each trap, update the records each time the traps are checked, and make the records available to APHIS inspectors upon request. If no *Bactrocera* spp. larvae have been found in the inspections required in paragraph (h) of this section, the activities described in this paragraph are no longer required.

319.56.58 (g)(3) Shipping Documents Identification (business) - The shipping documents accompanying the consignment of bananas from the Philippines that are exported to the United States must include the official registration number of the place of production at which the bananas were grown and must identify the packinghouse in which the fruit was processed and packed. This identification must be maintained until the fruit is released for entry into the United States.

319.56.58(i) Phytosanitary Certificate w/ Declaration (federal government) (business) – Each consignment of fruit must be accompanied by a phytosanitary certificate with an additional declaration issued by the NPPO of the Philippines stating that the bananas in the consignment were grown, packed, and inspected and found to be free of pests in accordance with the requirements of new section 319.56-58.

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 over when foreign countries will automate their phytosanitary certificates. 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 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 its program is the minimum needed to protect the United States from plant pests and diseases from entering into the United States. APHIS has determined that 95 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.

Failing to collect this information would cripple APHIS' ability to ensure that bananas from the Philippines are not carrying plant pests. If plant pests (such as *Bactrocera cucurbitae* and *Conogethes punctiferalis*) were introduced into the United States, growers 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;**

APHIS-approved traps baited with APHIS-approved plugs must be used and serviced at least once every 2 weeks. During the trapping, when traps are serviced, if fruit flies are trapped at a particular place of production at cumulative levels above 2 flies per trap per day, pesticide bait treatments must be applied in the affected place of production in order for the place of production to remain eligible to export bananas to the United States. The NPPO of the

Philippines must keep records of fruit fly detections for each trap, update the records each time the traps are checked, and make the records available to APHIS inspectors upon request.

- **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 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.

APHIS held productive consultations with the following individuals concerning this program:

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Vincent Floirendo

Senior Vice President/COO for Banana Operations
ANFLO Banana Corporation
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8000 Davao City, Philippines
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On Thursday, March 10, 2016, pages 12682-12683, APHIS published in the Federal Register a 60-day notice seeking comments on our plans to renew this information collection for 3 years. During that time, 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 (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.

The estimate of annualized cost to respondents totaled \$21,173.60. APHIS arrived at this figure by multiplying the total burden hours (1330) by the estimated average hourly wage of respondents (\$15.92) 1,330 hours X \$15.92 estimated average hourly wage = \$21,173.60

The hourly rate is an average salary of growers and foreign officials based on historical data and conversations with PPQ Program Specialists and APHIS' International Services.

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 \$12,977. (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.

The reinstatement of this information collection resulted in a program change increase of +41 respondents, +161,331 annual responses, and +1,330 total burden hours.

The following burden was inadvertently omitted from the previous information collections but is now included in this collection: (1) Production Site Registration; (2) Monitoring and Oversight (business); (3) Maintain All Forms and Documents that Include Fruit Fly Detections and Updating Records (foreign government); (4) Phytosanitary Certificates with Declaration (foreign government); (5) Investigations; (6) Fruit Fly Trapping for Low Pest Prevalance (business); (7) Fruit Fly Trapping for Low Pest Prevalance (foreign government); (8) Shipping Documents; and (9) Hard Green State Harvest Certification.

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 in the Act.

B. Collections of Information Employing Statistical Methods

Statistical methods are not used in this information collection.