

April 2017

**Supporting Statement  
Interstate Movement of Fruit from Hawaii  
OMB No. 0579-0331**

**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 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. The Plant Protection Act authorizes the Department to carry out this mission.

Under the Plant Protection Act (7 U.S.C. 7701 – et seq.), the Secretary of Agriculture is authorized to prohibit or restrict the importation, entry, or movement of plants and plant pests to prevent their introduction into the United States or their dissemination within the United States.

The Hawaii fruits and vegetables regulations, contained in 7 CFR 318.13 (referred to as the regulations), govern, among other things, the interstate movement of fruits and vegetables from Hawaii. These regulations are necessary to prevent the spread of plant diseases and pests that occur in Hawaii but not on the mainland United States. The regulations in § 318.13-4 identify specific fruits and vegetables that are allowed to be moved interstate from Hawaii if, among other things, they are treated with irradiation in accordance with APHIS' phytosanitary treatment regulations in CFR Part 305.9.

APHIS' Hawaiian fruits and vegetables regulations allow mangosteen, dragon fruit, melon, pods of cowpea and its relatives, breadfruit, jackfruit, and fresh drumstick tree pods to be moved interstate from Hawaii under certain conditions. This allows the movement of these tropical fruits from Hawaii to the mainland United States while continuing to provide protection against the spread of plant pests from Hawaii into the continental United States.

APHIS is asking OMB to approve, for an additional 3 years, the use of these information collection activities associated with its effort to prevent the spread of plant pests and diseases into the continental 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 uses the following information collection activities to allow the movement of tropical fruits from Hawaii to the mainland United States:

**305-3, Certificate of Federal/State Domestic Quarantine (PPQ Form 540) for Certification of Treatment (business)** – An inspector will issue an inspection certificate for the interstate movement of fruits and vegetables treated and handled in Hawaii to move to the mainland United States.

**318.13-26(a)(3), Limited Permit (PPQ Form 530) (business)** – An inspector will issue a limited permit for the interstate movement of untreated fruits and vegetables from Hawaii for irradiation treatment on the mainland United States. To be eligible for a limited permit, products from Hawaii must be free of stems and leaves and must be inspected in Hawaii.

**18.13-26(a)(2), Compliance Agreement (PPQ Form 519) (business)** – Fruit treated for fruit flies must either receive a post-harvest dip in accordance with Part 305 of this chapter to treat external feeders or originate from an orchard or growing area that was previously treated with a broad-spectrum insecticide during the growing season and a pre-harvest inspection of the orchard or growing area found the fruit tree of any surface pests as prescribed in a compliance agreement.

**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.**

The PPQ Form 540 and PPQ Form 530 are not automated for several reasons. These forms have a unique identifier (serial number) and they are accountable forms that must be issued by a PPQ employee. APHIS needs to have strict control over the issuance of these forms since they allow the movement of regulated products that are subject to restrictions. They can only be issued after an inspection proves that the shipment meets the requirements for movement. Finally, the forms must accompany the shipment throughout transport from the inspection until destination.

The PPQ Form 519 is electronic and available at [www.aphis.usda.gov/library/forms](http://www.aphis.usda.gov/library/forms).

In addition, 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 incursion or interstate spread of 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 growers nationwide from the interstate spread of plant pests and diseases. APHIS has determined 95 percent of the 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.**

If APHIS did not collect this information or collected it less frequently, the effectiveness of APHIS' Hawaiian fruits and vegetables quarantine programs would be severely compromised, likely resulting in the interstate spread of a number of destructive (and economically damaging) agricultural pests. The spread of such pests as the melon fruit fly and the oriental fruit fly would result in millions of dollars in damage to American 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 consulted with the following individuals regarding the subject program:

Calavo Growers, Inc.  
Lee Cole  
1141A Cummings Road  
Santa Paula, CA 93060  
Phone: (805) 525-1245

Hawaii Tropical Fruit Growers  
Brian Lievens  
Kona  
President, West Hawaii Chapter  
Grower, Avant Gardens  
75-668 Makalauna Place  
Kailua-Kona, HI 96740  
Phone: (808) 969-7926  
Email: greenwizard@hawaii.rr.com  
Aloha Shoyu Company LTD  
Heather Paul  
Government Relations Specialist  
96-1205 Waihona St.

Pearl City, HI 96782  
646-878-0102  
[hpaul@specialtyfood.com](mailto:hpaul@specialtyfood.com)

On Wednesday, January 18, 2017, pages 5524-5525, 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 were received from the public.

**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 provided with this information collection. However, the confidentiality of information is protected under 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 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.**

APHIS estimates the total annualized cost to these respondents to be \$51,797.88. APHIS arrived at this figure by multiplying the total burden hours (1,971) by the average hourly wage of the respondents (\$26.28). The hourly wage was provided per discussions with

importers of fruits and vegetables and USDA’s agricultural program specialists within APHIS.

**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, operation and maintenance, 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 \$79,627 (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-I.**

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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	6,300	0	3,576	0	0	2,724
Annual Time Burden (Hr)	1,971	0	1,426	0	0	545

This renewal includes 60 respondents, 6,300 annual responses, and 1,971 burden hours. Inspections were erroneously left out of the previous collection, which created an increase in the total number of burden hours from 545 to 1,971, and annual responses increased from 2,724 to 6,300.

**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.**

PPQ Forms 519, 530, and 540 are all used in multiple collections; therefore, it is not practical to include an OMB expiration date because of the various dates for each collection. APHIS is seeking approval not to 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 certifies compliance with all the provisions under the Act.

**B. Collections of Information Employing Statistical Methods.**

Statistical methods are not used in this information collection.