

**Supporting Statement
Importation of Avocados from Spain
Under a Systems Approach
Docket No. 0579-0400**

2017

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, 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 its 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 the introduction of plant pests into the United States or their dissemination within the United States.

The regulations in “Subpart-Fruits and Vegetables” (7 CFR 319.56), referred to below 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.

The fruits and vegetables regulations to allow the importation into the continental United States of avocados from Spain, subject to a systems approach. Under this systems approach, this would include registration of production locations and packinghouses, audits of growing records and practices, and an adequate pest control program that includes pest monitoring, sanitary practices, and chemical and biological controls. The fruit would also need to be imported in commercial consignments, with each consignment identified throughout its movement from place of production to port of entry in the United States. Consignments would have to be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Spain declaring that the fruit is free from all quarantine pests and has been produced in accordance with the systems approach. In addition, the avocados would be required to undergo cold treatment. This regulation will allow for the safe importation of avocados from Spain into the United States while continuing providing protection against the introduction of quarantine pests.

APHIS is asking the Office Of Management and Budget (OMB) to approve for three years, its use of these information collection activities, associated with its efforts to import avocados from Spain under a systems approach and to prevent the spread of fruit flies and other plant pests from entering into the 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 activities, associated with its efforts to prevent the spread of fruit flies and other plant pests from entering into the United States. This action allows the importation into the continental United States of avocados from Spain, subject to a systems approach.

Operational Workplan (Foreign Government) - 7 CFR 319.56.64(a)(1)

The NPPO of Spain must provide a workplan to APHIS that details the activities that the NPPO of Spain will, subject to APHIS' approval of the workplan, carry out to meet the requirements of this section.

Trust Fund Agreement (Foreign Government) - 7 CFR 319.56.64(a)(1)

If APHIS personnel need to be physically present in an exporting country or region to facilitate the exportation of fruits or vegetables and APHIS services are to be funded by the national plant protection organization (NPPO) of the exporting country or a private export group, then the NPPO or the private export group must enter into a trust fund agreement with APHIS that is in effect at the time the fruits or vegetables are exported.

Production Site Registration (Business and Foreign Government) - 7 CFR 319.56.64(a)(2)

The production site where the avocados are grown have to be in cottontail Spain and must be registered with the NPPO of Spain.

Packinghouse Registration (Business and Foreign Government) - 7 CFR 319.56.64(a)(3)

The packinghouse where the avocados are packaged for export the United States must be registered with the NPPO of Spain.

**Phytosanitary Certificate w/additional Declaration (Business and Foreign Government)
7 CFR 319.56.64(g)(1)**

Each consignment of avocados imported from Spain into the United States must be accompanied by a phytosanitary certificate issued by the NPPO of Spain. The phytosanitary certificate accompanying Hass variety avocados must contain an additional declaration stating that the avocados are Hass variety and were grown in an approved production site and the consignment has been inspected and found free of Ceratitis capitata. The phytosanitary certificate accompanying non-Hass avocados must contain an additional declaration stating that the avocados were grown in an approved production site and the consignment has been inspected and found free of Ceratitis capitata and has been subjected to cold treatment for Ceratitis capitata in accordance with 7 CFR part 305. Requiring a phytosanitary certificate would ensure that the NPPO of Spain has inspected the fruit and certified that the fruit meets the conditions for export to the United States.

Box Labelling (Business) - 7 CFR 319.56.64(d)

Harvested avocados must be placed in cartons or containers that are marked with the official registration number of the place of production. The place of production where the avocados were grown must remain identifiable when the fruit leaves the grove, at the packinghouse, and throughout the export process

Boxes or cartons in which avocados are packed must be labeled with a lot number that provides information to identify the orchard where grown and the packinghouse where packed. The labeling must be large enough to clearly display the required information and must be located on the outside of the boxes to facilitate inspection.

Records of Export Activities (Foreign Government) - 7 CFR 319.56.64(b)(4)

APHIS would require the Spanish NPPO to retain all forms and documents related to export program activities in groves and packinghouses for at least 1 year and, as requested, provide them to APHIS for review.

Monitoring and oversight (Business and Foreign Government) - 7 CFR 319.56.64(b)(1)

The NPPO of Spain, or an authorized person designated in the workplan, must visit and inspect registered places of production monthly, starting at least 1 month before harvest and continuing until the end of the shipping season, to verify that the growers are complying with the requirements of paragraph (c) of this section and follow pest control guidelines, when necessary, to reduce quarantine pest populations.

(2) In addition to conducting fruit inspections at the packinghouses, the NPPO of Spain must monitor packinghouse operations to verify that the packinghouses are complying with the requirements of paragraph (e) of this section.

Investigation and Remedial Action of Packinghouse/Production Site (Business and Foreign Government) - 7 CFR 319.56.64(b)(3)

If the NPPO of Spain 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 Spain conduct an investigation and appropriate remedial actions have been implemented.

Identifying Shipping Documents (Business) - 7 CFR 319.56.64(e)(6)

Shipping documents accompanying consignments of avocados from continental Spain that are exported to the United States must include the official registration number of the place of production at which the avocados were grown and must identify the packing shed or sheds in which the fruit was processed and packed. This identification must be maintained until the fruit is released for entry into the United States.

Post-Harvest Inspection (Business and Foreign Government) - 7 CFR 319.56.64(f)

Following any post-harvest processing, inspectors from the NPPO of Spain must inspect a biometric sample of fruit at a rate determined by APHIS. Inspectors must visually inspect the fruit and cut a portion of the fruit to inspect for *C. capitata*. If any *C. capitata* are detected in this inspection, the place of production where the infested avocados were grown will immediately be suspended from the export program until an investigation has been conducted by APHIS and the NPPO of Spain and appropriate mitigations have been implemented.

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 considerations of using information technology to reduce burden.

APHIS has no control or influence over when foreign countries will automate 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 of the purpose described in item 2 above.

The information APHIS collects is exclusive to its mission of preventing the spread of plant pests 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 95% 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.

Failing to collect this information would cripple APHIS' ability to ensure that avocados from Spain are not carrying plant pests. If plant pests were introduced into the United States, growers in 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;**

- 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 importation of avocados from Spain:

Joyce Winters
 California Avocado Commission
 12 Mauchly, Suite L
 Irvine, CA 92618-6305
 Phone: (949) 341-1957
 Email: CACBoard4@avocado.org

Emiliano Escobedo
 Hass Avocado Board
 230 Commerce, Suite 190
 Irvine, CA 92602-1336
eescobedo@avohq.com

Paul Romero,
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Santa Paula, CA 93060
Phone: (805) 933-9960
paulr@calavo.com

On Wednesday, January 18, 2017, pages 5528-5529, 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 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 personal or sensitive nature.

12. Provide estimates of 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 the respondents to be \$10,478.00. APHIS arrives at this figure by multiplying the total burden hours (403) by the estimated average hourly wage of the above respondents (\$26.00)

$$403 \times \$26.00 = \$10,478.00$$

This estimated hourly wage was derived from the 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 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 the capital and start-up cost, maintenance costs, and purchase of services in connection with this program.

14. Provide estimates of annualized cost 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 \$6,011.00.
(See APHIS Form 79).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-1.

ICR Summary of Burden:						
N	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	14,657	0	209	9	0	14,439
Annual Time Burden (Hr)	403	0	180	-203	0	426
Annual Cost Burden (\$)	0	0	0	0	0	0

There a program changes increase of +209 responses which resulted in an increase of +180 total burden hours. This increase is due to APHIS now accounting for burden of: (1) Production Site Registration (foreign government); (2) Packinghouse Site Registration (foreign government); (3) Phyosanitary Certificate with AD (business); (4) Monitoring and Oversight (business and foreign government); (5) Investigation/Remedial Action of Packinghouse/Production (business and

foreign government); (6) Identifying Shipping documents (business); and (7) Post-harvest Inspection (business and foreign government). These were erroneously omitted from the previous collection and are now being reported as a violation.

There is an adjustment increase of +9 responses; however, there is a decrease of -203 total burden hours. The increase in responses is due to the number Foreign Government responses for Phytosanitary Certificates went from 9 to 18. The decrease in burden is due to APHIS adjusting the amount of time it takes for labeling boxes.

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 under the act.

B. Collections of Information Employing Statistical Methods.

Statistical methods are not used in this information collection.
APHIS due to the rounding of figures,