

Supporting Statement
Importation of Fresh Apricots from Continental Spain
Under a Systems Approach
0579-0402

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 through 319.56-76, 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 fresh apricots from Continental 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 apricots would be required to undergo cold treatment and be subject to port of entry inspection. This proposed rule would allow for the safe importation of fresh apricots from continental 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 Fresh Apricots from Continental 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 Fresh Apricots from Spain, subject to a systems approach.

Operational Workplan (Foreign Government) - 7 CFR 319.56.63 (a)(1)

The NPPO of Spain must provide a bilateral 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. APHIS will be directly involved with the NPPO of Spain in monitoring and auditing implementation of the systems approach.

Trust Fund Agreement (Foreign Government) - 7 CFR 319.56.63 (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 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 319.56.63 (a)(2)

The production site where the apricots 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 319.56.63 (a)(2)

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

Box Labeling (Business) - 7 CFR 319.56.63 (a)(4)

The fruit must be packed for export to the United States in a packinghouse that meets the requirements of paragraph (i) of this section. The place of production where the apricots were grown must remain identifiable when the fruit leaves the grove, at the packinghouse, and throughout the export process.

**Production Site and Packinghouse Inspections (Business and Foreign Government)
7 CFR 319.56.63 (c)(1)**

The NPPO of Spain, or an authorized person designated in the workplan, must visit and inspect places of production starting at least 1 month (30 days) before harvest and continuing until the end of the shipping season to verify that growers are complying with the requirements of this section and to follow pest control guidelines, when necessary, to reduce quarantine pest populations.

Certification, and Accreditation of Personnel Trapping Programs and Surveys (Business and Foreign Government) - 7 CFR 319.56.63 (c)(1)

The NPPO of Spain must certify that exporting places of production have fruit fly and moth trapping programs and follow control guidelines, when necessary, to reduce regulated pest populations. Any personnel conducting trapping and pest surveys must be accredited and supervised by the NPPO of Spain. APHIS may monitor the places of production if necessary.

Monitoring and Oversight of Packinghouses (Business and Foreign Government) 7 CFR 319.56.63 (c)(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 this section.

Monitoring Investigation and Remedial Action (Business and Foreign Government) 7CFR 319.56.63 (c)(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 implement appropriate remedial actions.

Recordkeeping of Export Activities (Foreign Government) - 7 CFR 319.56.63 (c)(4)

The NPPO of Spain must retain all forms and documents related to export program activities in places of production and packinghouses for at least 1 year and, as requested, provide them to APHIS for review.

Phytosanitary Inspection (Business and Foreign Government) - 7CFR 319.56.63 (j)(1)

Fruit would have to be inspected in Spain at an APHIS approved inspection site under the direction of APHIS inspectors in coordination with the NPPO of Spain after the post-harvest processing. A biometric sample would have to be drawn and examined from each consignment. Fruit presented for inspection would have to be identified in the shipping documents accompanying each lot of fruit to specify the production site(s) in which the fruit was produced and the packing shed(s) in which was processed. This identification would have to be maintained until the fruit is released for entry into the United States.

Phytosanitary Certificate w/additional Declaration (Business and Foreign Government) - 7CFR 319.56.63 (k)

Each consignment of fruit would have to be accompanied by a phytosanitary certificate issued by the NPPO of Spain that contains an additional declaration stating that the fruit in the consignment was inspected and found free of was grown in an approved place of production, inspected, and found free from *Cydia funebrana*, *Apiognomonina erythrostoma*, *Monilinia fructigena*, and *Ceratitis capitata* based on field and packinghouse inspections. 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.

Trapping Records (Foreign Government) - 7CFR 319.56.63 (e)(2)

Trapping must also be conducted in the places of production to demonstrate that the places of production have a low prevalence of *C. funebrana*. If the prevalence of any life stage of *C. funebrana* rises above levels specified in the bilateral workplan, remedial measures approved jointly by APHIS and the NPPO of Spain must be implemented. The NPPO of Spain would need to keep records of the placement of traps, trap visits, trap counts, and treatments for each registered place of production. These records would need to be retained for at least 1 year and made available to APHIS upon request.

Identifying Shipping Documents (Business) - 7CFR 31.56.63 (2)

Fruit presented for inspection at a U.S. port of entry must be identified in the shipping documents accompanying each lot of fruit that specify the place of production in which the fruit was produced and the packinghouse in which the fruit was processed. This identification must be maintained until the fruit is released for entry into the United States.

Cold Treatment Requirements (Business)- 7CFR 319.56.63 (g)(2)

All apricots for export from continental Spain to the United States must be treated for *C. capitata* in accordance with part 305 of this chapter.

Certification of cold treatment facilities (Business) - 7CFR 305.6(a). 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.

Written approval for treatment enclosure (Business) - 7 CFR 305.6 (d)(5)

Breaks, damage, etc., in the treatment enclosure that preclude maintaining correct temperatures must be repaired before the enclosure is used. An official authorized by APHIS must approve loading of compartment, number and placement of temperature probes or sensors, and initial fruit temperature readings before beginning the treatment. Hanging decks and hatch coamings within vessels may not be used as enclosures for in-transit cold treatment without prior written approval from APHIS.

Cold Treatment Numbered seal (Business) - 7 CFR 305.6 (d)(6)

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.

Suspension and recertification (Business) - 7 CFR 305.6 (d) (7)

Temperature recording devices used during treatment must be secured using measures approved by APHIS as adequate to ensure the security and integrity of cold treatment data. The devices must be able to record the date, time, and sensor number and automatic and continuous records of the temperature during all calibrations and during treatment. Recording devices must be capable of generating temperature charts for verification by an inspector. If records of calibrations or treatments are found to have been manipulated, the vessel or container in which

the treatment is performed may be suspended from conducting cold treatments until proper equipment is installed and an official authorized by APHIS has recertified it. APHIS' decision to recertify a vessel or container will take into account the severity of the infraction that led to suspension.

Cold Treatment Audits (Business) - 7CFR 305.6 (d)(14)

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.

**Cold Treatment Fruit Fly Investigation and Remedial actions (Business)
7CFR 305.6 (d)(15)**

An inspector will sample and cut fruit from each consignment cold treated for Mediterranean fruit fly (Medfly) to monitor treatment effectiveness. If a single live Medfly in any stage of development is found, the consignment will be held until an investigation is completed and appropriate remedial actions have been implemented. If APHIS determines at any time that the safeguards contained in this section do not appear to be effective against the Medfly, APHIS may suspend the importation of fruits from the originating country and conduct an investigation into the cause of the deficiency.

Cold Treatment Monitoring (Business) - 7CFR 305.6 (d)(15)

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.

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 100% 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 apricots 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 held productive consultations with the following individuals concerning information collection activities associated with the importation of apricots from Spain:

Kenny Bays
Apricot Producers of California (APC)
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Turlock, CA 95382-2473
(209) 632-9777
Email: apricots@apricotproducers.com

Christopher Valadez,
Director of Environmental & Regulatory Affairs
California Fresh Fruit Association
978 W Alluvial Ave # 107
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(559) 226-6330
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On Wednesday, January 18, 2017, pages 5529-5530, 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 \$46,839.33. APHIS arrives at this figure by multiplying the total burden hours (1839) by the estimated average hourly wage of the above respondents (\$25.47)

$$1839 \times \$25.47 = \$46,839.33$$

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 \$45,861.00.
(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	9,365	0	308	9,014	0	44
Annual Time Burden (Hr)	1,834	0	1,636	12	0	187
Annual Cost Burden (\$)	0	0	0	0	0	0

There a program changes increase of +308 responses which resulted in an increase of +1,636 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) Packinghouse and Production Inspection (business and foreign government); (4) Certification and Accreditation of Personnel Trapping Surveys (business and foreign government); (5) Monitoring and Oversight of Packinghouses (business and foreign government); (6) Monitoring Investigations and Remedial Action (business and foreign government); (7) Phyosanitary Inspection (business and foreign government); (8) Phyosanitary Certificate with AD (business); (9) Trapping Records (foreign government); (10) Identifying Shipping documents (business); (11) Cold Treatment Requirements (business); (12) Certification of Cold Treatment Facility (business); (13) Written Approval for Cold Treatment Enclosure (business); (14) Cold Treatment Numbered Seal for enclosure (business); (15) Suspension and Recertification of Cold Treatment Facility (business); (16) Cold Treatment Audits (business); (17) Cold Treatment Fruit Fly Investigation and Remedial (business); and (18) Cold Treatment Monitoring (business). These were erroneously omitted from the previous collection and are now being reported as a violation.

There is an adjustment increase of +9,014 responses which resulted in an increase of +12 total burden hours. The increase in responses is due to increased reporting of (1) Packinghouse Site Registration (foreign government); (2) Box Labeling (business); and (3) Phytosanitary Certificate with AD (foreign government).

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.