

Supporting Statement
Importation of Clementines,
Mandarins, and Tangerines from Chile
OMB 0579-0242

April 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 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 through 319.56-58, 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, including fruit flies that are new to or not widely distributed within the United States.

APHIS fruits and vegetables regulations allow the importation, under certain conditions, of clementines, mandarins, and tangerines from Chile into the United States. Based on evidence in a pest risk assessment and an accompanying risk management document, APHIS believes these articles can be safely imported from all provinces of Chile, provided certain conditions are met. These regulations provide for the importation of clementines, mandarins, and tangerines from Chile into the United States while continuing to protect the United States against the introduction of plant pests.

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 requires that some plants or plant products be accompanied by a phytosanitary inspection certificate that is completed by plant health officials in the originating or transiting country.

APHIS uses the information on this certificate to determine the pest condition of the shipment at the time of inspection in the foreign country. This information is used as a guide to the intensity of the inspection that APHIS must conduct when the shipment arrives. Without this information, all shipments would need to be inspected very thoroughly, thereby requiring considerably more time. This would slow the clearance of international shipments.

Phytosanitary Certificate - (Foreign Government and Business) 7 CFR 319.56-38(d)(4)(B)(iii)

This will be issued by the National Plant Protection Organization (NPPO) of Chile to accompany each consignment with an additional declaration stating that all the provisions of 7 CFR § 319.56-38(d) have been met. Clementines, mandarins, or tangerines inspected in Chile will be subject to a random reinspection at the port of arrival as provided in 7 CFR § 319.56-6.

Trust Fund Agreement - (Foreign Government and Business) 7 CFR 319.56-38(f)

Clementines, grapefruit, mandarins, sweet oranges, or tangerines may be imported into the United States under this section only if the NPPO of Chile or a private export group has entered into a trust fund agreement with APHIS in accordance with §319.56-6.

Permits - PPO Form 587 - (Business) 7 CFR 319.56-38(a)

The fruit must be accompanied by a permit issued in accordance with §319.56-3(b).

Production Site Registration - (Business & Foreign Government) 7 CFR 319.56-38(d)(1)

The production site where the fruit is grown must be registered with the NPPO of Chile. To register, the production site must provide Chile's NPPO with the following information: production site name, grower, municipality, province, region, area planted for each species, number of plants/hectares/species, and approximate date of harvest. Registration must be renewed annually.

Shipping Documentation Identifying Phytosanitary Inspection of Fruit – (Foreign Government) 7 CFR 319.56-38(d)(4)

The fruit must be inspected in Chile at an APHIS-approved inspection site under the direction of APHIS inspectors in coordination with the NPPO of Chile after the post-harvest processing. A biometric sample will be drawn and examined from each consignment of fruit, which may represent multiple grower lots from different packing sheds. Clementines, mandarins, or tangerines in any consignment may be shipped to the United States only if the consignment passes inspection as follows:

Fruit presented for inspection must be identified in the shipping documents accompanying each lot of fruit that identify the production site(s) where the fruit was produced and the packing shed(s) where the fruit was processed. This identity must be maintained until the fruit is released for entry into the United States.

A biometric sample of boxes from each consignment will be selected and the fruit from these boxes will be visually inspected for quarantine pests, and a portion of the fruit will be washed and the collected filtrate will be microscopically examined for *B. chilensis*.

If inspectors find evidence of any other quarantine pest, the fruit in the consignment will remain eligible for importation into the United States only if the entire consignment is treated for the pest in Chile under APHIS supervision.

PPQ Form 203 - Cold Treatment Documentation (Foreign Government) 7 CFR 305.6

If the fruit is produced in an area of Chile where Mediterranean fruit fly (*Ceratitidis capitata*) is known to occur, the fruit must be cold treated in accordance with 7 CFR § 305. Fruit for which cold treatment is required must be accompanied by documentation indicating that the cold treatment was initiated in Chile (a PPQ Form 203 or its equivalent may be used for this purpose).

Approved Fumigation (Business) - 319.56-38(e) and 305.5

Clementines, grapefruit, mandarins, sweet oranges, or tangerines that do not meet the System Approach outlined in 7 CFR 319.56-38(d) may be imported into the United States if the fruit is fumigated either in Chile or at the port of first arrival in the United States with methyl bromide for *B. chilensis* in accordance with part 305 of this chapter. An APHIS inspector will monitor the fumigation of the fruit and will prescribe such safeguards as may be necessary for unloading, handling, and transportation preparatory to fumigation. The final release of the fruit for entry into the United States will be conditioned upon compliance with prescribed safeguards and required treatment.

Low Prevalence Production Site Certification (Business & Foreign Government) 7 CFR 319.56-38(d)(2)

Between 1 and 30 days prior to harvest, random samples of fruit must be collected from each registered production site under the direction of Chile's NPPO. These samples must undergo a pest detection and evaluation method as follows: The fruit and pedicels must be washed using a flushing method, placed in a 20 mesh sieve on top of a 200 mesh or finer sieve, sprinkled with a liquid soap and water solution, washed with water at high pressure, and washed with water at low pressure. The process must then be repeated. The contents of the sieves must then be placed on a petri dish and analyzed for the presence of live *B. chilensis* mites. If a single live *B. chilensis* mite is found, the production site will not qualify for certification as a low prevalence production site and will be eligible to export fruit to the United States only if the fruit is fumigated in accordance with paragraph (e) of 7 CFR §319.56-38. Each production site may have only one opportunity per harvest season to qualify as a low prevalence production site, and certification of low prevalence will be valid for one harvest season only. The NPPO of Chile will present a list of certified low prevalence production sites to APHIS

Post-Harvest Processing (Business) - 319.56-38(d)(3)

After harvest and before packing, the fruit must be washed, rinsed in a potable water bath, washed with detergent with brushing using bristle rollers, rinsed with a hot water shower with brushing using bristle rollers, predried at room temperature, waxed, and dried with hot air.

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 these certificates.

PPQ Form 587 is automated and posted at:

https://www.aphis.usda.gov/aphis/resources/forms/ct_ppq_forms

PPQ Form 203 is automated and posted at:

https://www.aphis.usda.gov/aphis/resources/forms/ct_ppq_forms

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 this program is the minimum needed to protect the United States from the incursion of citrus canker, fruit flies, and other plant diseases and pests from Chile. APHIS has determined that 25 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 if this information was collected less frequently, APHIS could not verify that fruit was treated, or verify that citrus canker, fruit flies, and other pests were destroyed by treatment, or that the treatment was adequate to prevent the risk of plant pests entering the United States.

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 the information collection activities associated with its program to import clementines, mandarins, and tangerines from Chile:

Aweta - Autoline, Incorporated
23243 E. Clayton Avenue
Reedley, California 93654
559-638-5432

JBT Food Tech
1660 Iowa Avenue
Suite 100
Riverside, California 92507
951-951-2223 ext 300

Duda Farm Fresh Foods
Attn: Consumer Affairs
P.O. Box 620257
Oviedo, Florida 32762
407-365-2111

On Tuesday, March 28, 2017, pages 15317-15318, 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. During that time, APHIS received 3 comments from concerned citizen that agree with the with the process that APHIS is taking to prevent diseases into the United States.

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. APHIS arrived at these estimates through discussions with regulated entities, including growers of clementines, mandarins and tangerines in Chile, as well as Chilean plant health officials.

• Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories.

Respondents are growers in Chile, and full-time plant health officials employed by the Chilean government and shippers. APHIS estimates the total annualized cost to these respondents to be \$3,186.00 APHIS arrived at this figure by multiplying the total burden hours (216) by the estimated average hourly wage of the above respondents (\$14.75). The estimate was developed by using historical data, calculated average number of permits requested, and discussions with plant health officials employed by the Chilean government.

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 \$3,045 (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.

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	567	0	235	7	0	0
Annual Time Burden (Hr)	216	0	82	-29	0	0
Annual Cost Burden (\$)	0	0	0	0	0	0

There is an adjustment decrease of -32 burden hours due to the time adjustment to the Trust Fund Agreement from the previous collection and there is an adjustment increase of +7 respondents and +3 burden house for the Production Site Registrations.

There is a program change increase of +235 responses and +82 total burden hours. The program change is due to APHIS now collecting the following information which was inadvertently omitted in the past:

- (1) Phytosanitary Certificates (Business),
- (2) Trust Fund Agreement (Business),
- (3) Production Site Registration (Business),
- (4) Phytosanitary Inspection (Business and Foreign Government),
- (5) Shipping Documents Identifying Phytosanitary Inspection of Fruit (Business),
- (6) PPQ Form 203 Cold Treatment Documentation (Foreign Government),
- (7) Approved Fumigation (Business),
- (8) Low Prevalence Production Site Certification (Business and Foreign Government), and
- (9) Post-Harvest Processing (business).

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 APHIS 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.

PPQ Form 587 is used in multiple information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

PPQ Form 203 is used in multiple information collections; therefore, it is not practical to include an OMB expiration date because of the various expiration dates for each collection. APHIS is seeking approval to not display the OMB expiration date on this form.

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.