

Supporting Statement
Importation of Fresh Baby Kiwi from Chile Under a Systems Approach
OMB No. 0579-0374

July 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 (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 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, “Subpart-Fruits and Vegetables” (7 CFR part 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 not widely distributed within the United States. APHIS is responsible for ensuring that these regulations are enforced.

The fruits and vegetables regulations allows fresh baby kiwi fruit from Chile to be imported into the continental United States subject to a systems approach. This action is necessary in order to provide an alternative mitigation measure other than fumigation with methyl bromide.

APHIS is asking the Office of Management and Budget (OMB) to approve, for an additional 3 years, its use of the following information collection in connection with its program to prevent the introduction of exotic pests 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 fresh baby kiwi fruit from Chile to be imported into the continental United States and to prevent the introduction of exotic pests into the United States.

Phytosanitary Certificate (Business and Foreign Government) - 7 CFR 319.56.53(f)

Each consignment of fresh kiwi and fresh baby kiwi must be accompanied by a phytosanitary certificate issued by the National Plant Protection Organization (NPPO) of Chile that contains an

additional declaration stating that the fruit in the consignment was inspected and found free of *Brevipalpus chilensis* and was grown, packed, and shipped in accordance with the requirements of 7 CFR 319.56-53.

Production Site Registration (Business and Foreign Government) - 7 CFR 319.56.53(b)

The production site where the fruit is grown would have to be registered with the NPPO of Chile. Harvested baby kiwi would be placed in field cartons or containers that are marked to show the official registration number of the production site. Registration is renewed annually.

Labeling of Field Cartons or Containers (Business) - 7 CFR 319.56.53(d)

Each container of harvested fruit would have a label to identify the registered production site where the fruit originated and the packing shed where it was packed.

Bilateral Workplan (Foreign Government) - 7 CFR 319.56.53(a)

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

Low Prevalence Production Site Certification (Business and Foreign Government) 7 CFR 319.56.53(c)

The fruit must originate from a low-prevalence production site to be imported under the conditions in this section. Between 1 and 30 days prior to harvest, random samples of fruit must be collected from each registered production site under the direction of the NPPO of Chile. These samples must undergo a pest detection and evaluation method as follows: The fruit must be washed using a flushing method, placed in a 20-mesh sieve on top of a 200-mesh 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 200-mesh sieve must then be placed on a petri dish and analyzed for the presence of live *Brevipalpus 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. Each production site may have only one opportunity per season to qualify as a low-prevalence production site, and certification of low prevalence will be valid for one harvest season only.

List of Certified Low Prevalence Production Sites (Foreign Government) - 7 CFR 319.56.53(c)

The NPPO of Chile will present a list of certified production sites to APHIS.

Phytosanitary Inspection (Business and Foreign Government) - 7 CFR 319.56.53(e)

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 following any post-harvest processing. A biometric sample must be drawn and examined from each consignment. Kiwi in any consignment may be shipped to the United States, and baby kiwi in any consignment may be shipped to the continental United States, under the conditions of this section only if the consignment passes inspection.

Shipping Document Identification (Business) - 7 CFR 319.56.53(e)(1)

Fruit presented for inspection must 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 the fruit was processed. This identification must be maintained until the fruit is released for entry into the United States.

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 their phytosanitary certificate. 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 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.

APHIS is the only Federal agency responsible for preventing the introduction of exotic pests into the United States. The information APHIS is collecting is exclusive to its mission of preventing the introduction of exotic 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 that APHIS collects is the minimum needed to protect the United States from the potential introduction of exotic plant pests into the country. APHIS estimates that 75 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.

If this information is not collected, APHIS' ability to protect the United States from exotic insect pests would be severely compromised.

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, governmental 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 fresh baby kiwi fruit from Chile:

Silvio Martinez
 Chilean Fresh Fruit Association
 Cruz del Sur 133, 2nd Floor
 Las Condes, Santiago de Chile
 Phone: 56-2-472-4700

Steve Mackey, Executive VP & CFO
 Viva Tierra Organic

601 S 2nd Avenue
Mount Vernon, WA 98273
Phone: 360-855-3191

Joseph DeNardo, Logistics Manager
LGS Specialty Sales, LTD
1 Radisson Plaza Floor 10
New Rochelle, NY 10801
Phone: 718-542-2200

On Tuesday, May 9, 2017, pages 21508-2109, 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 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 hour estimates.

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

The cost to the public is determined by multiplying the total number of burden hours times the wage per hour rate. APHIS estimates that the average hourly wage is \$21.15.
 $\$21.15 \times 849 \text{ hours} = \$17,956.35.$

Respondents are businesses and the NPPO in Chile. The burden for the respondents totals 849 burden hours. The estimated hourly wage was developed by using historical data, and through discussions with PPQ Regulatory Coordination Specialists and APHIS Internal Services staff.

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 to the Federal Government is \$32,146.00. (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	41,218 1147739	0 0	+974 1134854	+39,880 -12	0 0	364
Annual Time Burden (Hr)	849 1687650	0 0	+724	+33 13	0 0	92
Annual Cost Burden (\$)	0	0	0	0	0	0

There is an adjustment increase of +39,880 responses resulting in an increase of +33 total burden hours because of an increase in the number of Phytosanitary Certificates (Foreign Gov't) and Labeling of Cartons (business) being processed.

There is a program change increase of +974 responses resulting in an increase of +724 total burden hours with the addition of the following activities which had previously been inadvertently omitted will be reported as violations by APHIS:

- Phytosanitary Certificate (Business)
- Production Site Registration (Foreign Gov't)
- Bilateral Workplan (Foreign Gov't)
- Low Prevalence Production Site Certification (Business and Foreign Gov't)
- List of certified low prevalent production sites (Foreign Gov't)
- Phytosanitary Inspection (Business and Foreign Gov't)
- Identifying shipping documents (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 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 associated with 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.