

August 2017

Supporting Statement
Importation of French Beans and Runner Beans from
the Republic of Kenya into the United States
OMB No. 0579-0373

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 plant pests and noxious weeds not widely distributed in the United States, and eradicating those imported pests when eradication is feasible. The Plant Protection Act (PPA) authorizes the Department to carry out this mission.

The regulations in “Subpart-Fruits and Vegetables” (7 CFR 319.56-1 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.

APHIS amended the fruits and vegetables regulations to allow the importation of French beans and runner beans from the Republic of Kenya into the United States. As a condition of entry, both commodities would have to be produced in accordance with a systems approach that would include requirements for packing, washing, and processing. Both commodities would also be required to be accompanied by a phytosanitary certificate attesting that all phytosanitary requirements have been met and that the consignment was inspected and found free of quarantine pests. This action would allow for the importation of French beans and runner beans from the Republic of Kenya into the United States while continuing to provide protection against the introduction of quarantine pests.

APHIS is asking OMB to approve, for an additional 3 years, its use of this information collection activity which is associated with efforts to prevent the introduction of plant pests and plant diseases into the continental United States.

2. APHIS uses the following information activities to help provide protection against the introduction of quarantine pests. 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 activity to provide protection against the introduction of quarantine pests while allowing the importation of French beans and runner beans from the Republic of Kenya:

7CFR 319.56.54 (d) Phytosanitary Certificate (business) (foreign gov't) Each consignment of French beans and runner beans must be accompanied by a phytosanitary certificate issued by Kenya's National Plant Protection Organization (NPPO) attesting that the conditions of this section have been met and that the consignment has been inspected and found free of pests.

7CFR 319.56.54 (a) Registration of Packing Houses (business) (foreign gov't) The beans must be packed in packing facilities that are approved and registered with Kenya's NPPO.

7CFR 319.56.54 (a) Marking of Boxes (business) Each shipping box must be marked with the identity of the packing facility so that shipments can be traced back to the facility in the event of the discovery of the pest.

7CFR 319.56.54(d) Inspections (business) (foreign gov't) Each consignment of French beans or runner beans must be accompanied by a phytosanitary certificate issued by Kenya's NPPO attesting that the conditions of this section have been met and that the consignment has been inspected and found free of the pests listed in this section.

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 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 for the purpose described in item 2 above.

The information APHIS collects is exclusive to its mission of preventing plant diseases or dangerous insect pests from being unintentionally exported to other countries 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 that approximately 90 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 APHIS did not collect this information or if this information was collected less frequently, APHIS would not be able to effectively evaluate the spread of plant pests. The introduction of plant pests into the United States could cause billions of dollars in losses 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.**

There are no special circumstances associated with this information collection. This collection is conducted in a manner consistent with the guidelines established 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 recently held productive consultations with the following individuals regarding this program:

Ken Barbic
Sr. Director, Federal Government Affairs
Western Growers Foundation
1776 Eye Street, NW, Suite 255
Washington, DC 20006
Phone: 202-296-0191 x7302

Kenya Fresh Produce Exporters Ltd
Mr. Apollo Owuor
Chairman
P.O. Box 16845 - 00620
Nairobi, Kenya
Phone: 254-020-2107234/9
Email: apollo@ngongvegltd.co.ke

Gabriel Chinembiri
Kenya Horticultural Exporters, Ltd

P.O. Box 11097
Enterprise Road
Nairobi, Kenya
Phone: 254 -02 650300
gabriel.chinembiri@khekenya.com

On Monday, May 22, 2017, pages 23173-23174, 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 from the public were received.

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 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 estimated annualized cost to respondents totaled \$838.95. APHIS arrived at this figure by multiplying the total burden hours (51 hours) times the estimated hourly wage of respondents (\$16.45).

51 hours X \$16.45 estimated hourly wage = \$838.95 estimated annualized cost

The hourly rate (\$16.45) was developed using historical data, the calculated average number of certifications requested, and discussions with 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 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 \$200. (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.**

	Requeste	Program	Program	Change	Change Previously

	Estimated Burden	Change Due to New Statute	Change Due to Agency Discretion	Due to Adjustment in Agency Estimate	Due to Potential Violation of the PRA	Approved
Annual Number of Responses	2,044	0	2,041	0	0	3
Annual Time Burden (Hr)	51	0	48	0	0	3

There is a program change in this renewal due to the following burden items that were inadvertently omitted from the previous renewal but are now included in this information collection: Phytosanitary Certificates (business); Registration of Packing Houses (Foreign Government); and Inspections (Foreign Government) (Business).

The number of annual responses increased from 3 to 2,044 due to all of the additions; and the number of burden hours increased from 3 to 51 hours.

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 included 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.