

**SUPPORTING STATEMENT
IMPORTATION OF TOMATOES FROM FRANCE, MOROCCO,
WESTERN SAHARA, CHILE, AND SPAIN
OMB NO. 0579-0131**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

The Plant Protection Act (PPA, 7 U.S.C. 7701 et seq.) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles within the United States to prevent the introduction of plant pests or their dissemination. The Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine (PPQ) Program enforces the Act by regulating the importation of fruits and vegetables into the United States. These regulations are found in Section 319 of the Code of Federal Regulations under “Subpart—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–81).

Under §319.56–28, fresh tomatoes from France, Morocco, Western Sahara, Chile, and Spain may be imported into the continental United States under certain conditions to protect the ripening, or ripe, tomatoes from infestation by the Mediterranean fruit fly. Information collection activities are used to ensure these conditions are met.

APHIS is asking OMB to approve the use of these information collection activities, as described, for an additional 3 years.

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.

The National Plant Protection Organization (NPPO) for Spain is the Ministry of Agriculture, Forestry and Fisheries (MAFF); for France, it is the Service Regional de la Protection des Vegetaux (SRPV); and for Chile, it is the Servicio Agrícola Ganadero (SAG). The NPPO for Morocco does not have a formal name. It also services Western Sahara.

No activity from Western Sahara is expected for the next 3 years. However, a placeholder for future activity is included in this request.

Greenhouse Registration; (7 CFR 319.56-28(a), (b), (c)); (Business) (Foreign Government) - Tomatoes imported from Spain must be grown in the Almeria Province, the Murcia Province, or the municipalities of Albuñol and Carchuna in the Granada Province of Spain in greenhouses registered with, and inspected by, the Spanish MAFF. Tomatoes imported from France must be grown in the Brittany Region in greenhouses registered with, and inspected by, the SRPV.

Tomatoes imported from Morocco must be grown in the provinces of El Jadida or Safi in insect-proof greenhouses registered with, and inspected by, the NPPO of Morocco. Tomatoes imported from Western Sahara must be grown in the province of Dahkla in insect-proof greenhouses registered with, and inspected by, the NPPO of Morocco. Greenhouse registration ensures the facilities are inspected by the NPPO's, comply with U.S. import regulations, and provide traceability of tomato shipments from source to United States port of entry.

Treatment Facility Registration; (7 CFR 319.56-28(d)); (Business) (Foreign Government)

Tomatoes imported from Chile must be treated with methyl bromide before shipment. The treatments must be conducted in facilities registered with the SAG, and are monitored by APHIS personnel.

Trust Fund Agreement; (7 CFR 319.56-28(d)); (Foreign Government)

Treated tomatoes from Chile may be imported into the United States only if SAG has entered into a trust fund agreement with APHIS for that shipping season. The trust fund agreement requires SAG to pay in advance all costs that APHIS estimates it will incur in providing the preclearance services prescribed in this section for that shipping season.

Production Site Registration and Inspection; (7 CFR 319.56-28(d)); (Business) (Foreign Government)

Tomatoes imported from Chile must be grown in approved production sites that are registered with SAG who also must visit and inspect the production sites monthly, starting 2 months before harvest and continuing until the end of the shipping season. Initial approval of the production sites will be completed jointly by SAG and APHIS. APHIS may monitor the production sites at any time during this period.

Quality Control Program; (7 CFR 319.56-28(d)); (Business) (Foreign Government)

The Chilean SAG must develop and maintain an APHIS-approved quality control program to monitor and audit its Medfly trapping program. Program records include trap placements, inspections and observations, and insect captures, among other things. APHIS must be notified when a production site is added or removed from the Quality Control Program.

Phytosanitary Certificate; (7 CFR 319.56-28(a), (b), (c), (d)); (Business) (Foreign Government)

Consignments of tomatoes imported from Spain, France, Morocco, Western Sahara, and Chile must undergo export certification inspections by each country's respective NPPO (MAFF, SRPV, NPPO, or SAG) before shipment. Each consignment must also be accompanied by a phytosanitary certificate issued by the respective NPPO, with each certificate bearing an additional declaration from the NPPO. For Spain, the declaration states "These tomatoes were grown in registered greenhouses in Almeria Province, the Murcia Province, or the municipalities of Albuñol and Carchuna in the Granada Province in Spain." For France, the declaration states "These tomatoes were grown in registered greenhouses in the Brittany Region of France." For Morocco, the declaration states "These tomatoes were grown in registered greenhouses in El Jadida or Safi Province, Morocco, and were pink at the time of packing." The phytosanitary certificates for tomatoes grown in Western Sahara must include the declaration, "These tomatoes were grown in registered greenhouses in Dahkla Province, Western Sahara and were pink at the

time of packing.” Phytosanitary certificates from Chile must bear the declaration, “These tomatoes were grown in an approved production site in Chile.”

Marking of Boxes; (7 CFR 319.56-28 (d)); (Business)

Shipping boxes for consignments of tomatoes from Chile must be marked with the identity of the production site to facilitate traceability if needed.

Application for Permit to Import Plants or Plant Products (PPQ Form 587); (7 CFR 319.56-3); (Business)

The importing of tomatoes from Spain, France, Morocco, Western Sahara, or Chile, but not as prescribed in 7 CFR 319.56-28, may require a permit from APHIS. PPQ Form 587, Application for Permit to Import Plants or Plant Products, must be completed when a permit is needed.

Appeal of Denial or Revocation of Permit; (7 CFR 319.7-5); (Business)

Applicants denied a permit to import plants or plant products, or have had a permit revoked, may appeal the denial or revocation.

Notice of Arrival (PPQ Form 368); (7 CFR 319.56-3(d)); (Business)

Consignments of imported fruits and vegetables must be announced prior to arrival at ports of entry and be made available for inspection.

Emergency Action Notification (PPQ Form 523); (7 CFR 319.56.3(d)); (Business)

An Emergency Action Notification (EAN) is issued to an affected person when Federal inspectors determine it necessary to take immediate action to mitigate pest risk. The EAN alerts the person of the pest risk, directs mitigation, and ensures dangerous plant pests are not introduced and disseminated into the United States. Recipients complete a section of the form acknowledging receipt and compliance.

Recordkeeping; (7 CFR 319.56-28); (Business) (Foreign Government)

Other records related to the burdens in this information collection and created and maintained by businesses and foreign governments may be requested by APHIS to assist with the identification, tracking, and mitigation of plant pests before they enter the United States. The MAFF, SRPV, SAG, and Morocco NPPO must maintain for one year and make available to APHIS records of Medfly trap placements, checking of traps, and any Medfly captures (*Rhagoletis tomatis* or *Tuta absoluta* captures in Chile).

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.

The respective NPPO is responsible for creating and maintaining the greenhouse, treatment facility, and production site registration documentation for their respective nations. Trust fund agreements; quality control program documents; and phytosanitary certificates are also created and maintained by each NPPO but may follow APHIS or international guidelines for format and

content. APHIS has no influence over other nations with regard to automating their phytosanitary certificates but it does enter the documents into the electronic APHIS Agricultural Quarantine Activity System (AQAS) upon receipt at the United States port of entry.

Methodology for marking shipping boxes is at the discretion of packaging facilities.

The Notice of Arrival (PPQ Form 368) and Application for Permit to Import Plants or Plant Products (PPQ Form 587) may be completed online by e-Permits account holders at website https://www.aphis.usda.gov/aphis/resources/permits/sa_plants/ct_ppq_epermits. Fillable versions of the forms also may be obtained from the APHIS forms website at https://www.aphis.usda.gov/aphis/resources/forms/ct_ppq_forms and then faxed or emailed to APHIS. Users also may obtain more information about the forms by visiting the PPQ permit information webpage at https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/ct_plantproducts.

There is no prescribed format for preparing and submitting an appeal of denial or revocation of import permit.

The Emergency Action Notification (PPQ Form 523) is initiated by Federal officials.

APHIS works closely with CBP and 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. ITDS will allow respondents to submit data required by U.S. CBP and its Partner Government Agencies (PGAs) to import and export cargo through a Single Window concept. APHIS is also developing a system known as e-File for CARPOL (Certification, Accreditation, Registration, Permitting, and Other Licensing) activities. It is still under development and will strive to efficiently automate some of these information collection activities.

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 fruit flies into the United States, and the information it collects is exclusive to its mission. It 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.

APHIS estimates that 75 percent of the total business respondents are small entities which include the production sites, treatment facility, and production houses. The information that APHIS collects is the minimum needed to protect the United States from the potential introduction of exotic fruit flies into the country.

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 was not collected, APHIS' ability to protect the United States from exotic insect pest infestations would be severely compromised, and the potential damage to the domestic agricultural industry could be catastrophic.

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;**

All Medfly traps in France, Morocco, Western Sahara, and Spain must be checked and results recorded every 7 days.

- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Revocation of an import permit may be appealed in writing within 10 days of notification by APHIS.

An Emergency Action Notice (PPQ Form 523) may be issued by a Federal official and issued to a broker, shipper, market owner, or other stakeholder responsible for a certain consignment failing specific import requirements and requiring remedial action. The form describes the reasons for refusal of entry into the United States and basic explanations of required remedial actions. The notice is signed by the stakeholder on the day it is issued.

- **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 other special circumstances exist that would require this information collection to be conducted in a manner inconsistent with the general 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 recently consulted with the following individuals regarding this program:

Felipe Benito
North America – Latin America Marketing Manager
Association De Exportadores De Chile (ASOEX)
Cruz del Sur 133, Piso 2
Las Condes, Santiago, Chile
Telephone: 011-56-2-472-4891

Esteban Avila
Plant Protection Department, Servicio Agricolay Ganadero (SAG)
Ave. Bulness 140
Santiago, Chile
Telephone: 011-56-6-96-8510

Eduardo Santos
Agricultural Attache, Embassy of Chile
1732 Massachusetts Ave NW
Washington, DC 20036
Telephone: 202-872-1663

On Monday, October 30, 2017, APHIS published in the Federal Register on pages 50116-50117 a 60-day notice seeking public comments on its plans to request a 3-year renewal of this collection of information. One comment was received from anonymous anonymous. It was a political comment unrelated to the information collection.

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 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.

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

The annualized cost to respondents is determined by multiplying the total burden hours (2,832 hours) by the estimated hourly wage (\$24 per hour). APHIS estimates the annualized cost to respondents to be \$67,968.

Respondents are foreign officials, farm managers, and facility managers in Spain, France, Morocco, Western Sahara, and Chile. The average hourly wage was developed through discussions with the PPQ Regulatory Coordination Specialist and each NPPO of Chile, Spain, France, Morocco, and Western Sahara.

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.

The Chilean government is required to pay the estimated cost of the trust fund agreement where pre-clearance activities may occur. Pre-clearance programs can range in time from seasonal activities to full year. For the tomato pre-clearance program, the estimated cost of pre-clearance activities is approximately \$632,250.

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.

See APHIS 79. The estimated annualized cost to the Federal Government is \$51,762.

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

	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	44,799	0	42,402	-66		2,463
Annual Time Burden (Hours)	2,832	0	1,473	9		1,350

In this renewal, the number of respondents increased from 10 to 20, adding importers and additional greenhouse registrants. The number of annual responses changed from 2,463 to 44,799 for a net increase of +42,336 responses (40,000 attributed to labeling), and the total burden hours changed from 1,350 to 2,832 for a net increase of +1,482 hours.

The most significant change is attributed to an estimate adjustment. Marking of Boxes (Business) has increases to its estimates for both responses and burden, adding 39,999 additional responses and 63 additional hours of burden. The increases are attributed to a reinterpretation of how third party disclosure is captured. Other estimate adjustments include Greenhouse Registration (Business) with an additional 3 hours of burden, Production Site Registration (Business) with 1 additional response, Quality Control Program (Business)(Chile) with an additional response and 40 hours of added burden, and Phytosanitary Certificates (Foreign Government) with 68 fewer responses and 34 fewer burden hours.

Six activities have discretionary program adjustments attributed to additional respondent types being added to the activities. They include Greenhouse Registration (Foreign Government), adding 6 responses and 6 burden hours; Treatment Facility Registration (Business), adding 1 response and 1 hour; Production Site Registration (Foreign Government), adding 2 responses and

1 hour of burden; Quality Control Program (Foreign Government), adding 2 responses and 80 hours of burden; Phytosanitary Certificates (Business), adding 2,380 responses and 1,190 hours of burden; and Recordkeeping (Business), adding 8 responses and 64 hours of burden.

Four activities are new, being inadvertently omitted in the previous submission and now added as potential violations of the Paperwork Reduction Act. Also added were Application for Permit (PPQ Form 587), Appeal of Denial or Revocation of Permit (Business), Notice of Arrivals (PPQ Form 368) (Business), and Emergency Action Notification (PPQ Form 523) (Business), adding 1 response and 1 hour of burden each. These four activities are not substantial and were added as placeholders for future burden analysis.

Finally, the 2015 information collection renewal request had a clerical error and underreported the total burden by 64 hours.

All of these changes are summarized in the two tables below.

CHANGES IN RESPONSES

<u>REGS</u>	<u>ACTIVITY</u>	<u>RESP</u>	<u>PREVIOUS RESPONSES</u>	<u>NEW RESPONSES</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
319.56-28						
(a, b, c)	Greenhouse Registration	B	6	6	0	No Change
(a, b, c)	Greenhouse Registration	FG	0	6	6	Program - respondent
(d)	Treatment Fac Registration	B	0	1	1	Program - respondent
(d)	Treatment Fac Registration	FG	1	1	0	No Change
(d)	Trust Fund Agreement	FG	1	1	0	No Change
(d)	Production Site Registration	B	1	2	1	Adjust
(d)	Production Site Registration	FG	0	2	2	Program - respondent
(d)	Quality Control Program	B	1	2	1	Adjust
(d)	Quality Control Program	FG	0	2	2	Program - respondent
(a, b, c, d)	Phytosanitary Certificate	B	0	2,380	2,380	Program - respondent
(a, b, c, d)	Phytosanitary Certificate	FG	2,448	2,380	- 68	Adjust
(d)	Marking of Boxes	B	1	40,000	39,999	Adjust; 3d party labeling
(b)	Application for Permit	B	0	1	1	New
319.7-5	Appeal of Permit Denial	B	0	1	1	New
319.56-3	Notice of Arrival	B	0	1	1	New
319.56-3	Emergency Action Notice	B	0	1	1	New
319.56-28	Recordkeeping	B	0	8	8	Program - respondent
319.56-28	Recordkeeping	FG	4	4	0	No Change
	Adjustment		0	0	0	
			+ 2,463	+ 44,799	+ 42,336	

CHANGES IN BURDEN

<u>REGS</u>	<u>ACTIVITY</u>	<u>RESP</u>	<u>PREVIOUS BURDEN</u>	<u>NEW BURDEN</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
319.56-28						
(a, b, c)	Greenhouse Registration	B	3	6	3	Adjust
(a, b, c)	Greenhouse Registration	FG	0	6	6	Program - respondent
(d)	Treatment Fac Registration	B	0	1	1	Program - respondent
(d)	Treatment Fac Registration	FG	1	1	0	No Change
(d)	Trust Fund Agreement	FG	80	80	0	No Change
(d)	Production Site Registration	B	1	1	0	No Change
(d)	Production Site Registration	FG	0	1	1	Program - respondent
(d)	Quality Control Program	B	40	80	40	Adjust
(d)	Quality Control Program	FG	0	80	80	Program - respondent
(a, b, c, d)	Phytosanitary Certificate	B	0	1,190	1,190	Program - respondent
(a, b, c, d)	Phytosanitary Certificate	FG	1,224	1,190	- 34	Adjust
(d)	Marking of Boxes	B	1	64	63	Adjust; 3d party labeling
(b)	Application for Permit	B	0	1	1	New
319.7-5	Appeal of Permit Denial	B	0	1	1	New
319.56-3	Notice of Arrival	B	0	1	1	New
319.56-3	Emergency Action Notice	B	0	1	1	New
319.56-28	Recordkeeping	B	0	64	64	Program - respondent
319.56-28	Recordkeeping	FG	64	64	0	No Change
	Correction		-64	0	64	Adjustment
			+ 1,350	+ 2,832	+ 1,482	

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.

PPQ Form 368, PPQ Form 523, and PPQ Form 587 are used for multiple information collections which have different expiration dates. APHIS requests that an expiration date not be annotated on these forms.

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

There are no statistical methods associated with the information collection activities used in this program.