

**SUPPORTING STATEMENT  
IMPORTATION OF LITCHI AND LONGAN FRUIT FROM VIETNAM INTO THE  
CONTINENTAL UNITED STATES  
OMB NO. 0579-0387**

**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 (CFR) under “Subpart—Fruits and Vegetables” (7 CFR 319.56–1 through 319.56–81).

Under §319.56–70, litchi and longan fruit from Vietnam may be imported into the continental United States except Florida only under certain conditions to ensure it is free of insect plant pests and disease. Information collection activities are used to ensure these conditions are met.

APHIS is requesting the Office of Management and Budget (OMB) to approve, for an additional 3 years, the use of these information collection activities to prevent the introduction of dangerous plant pests 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.**

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

Importers may be required to obtain permits from APHIS before shipping to the United States litchi or longan fruit from Vietnam that may not be in full compliance with 7 CFR 319.56-70. Permits allow APHIS to inform applicants of importation requirements imposed on the fruit at its country of origin and any special conditions the consignments must meet when arriving at United States ports.

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

Denial or revocation of an import permit may be appealed in writing by the importer within 10 days of notification by APHIS.

**Orchard Registration; (7 CFR 319.56-70(a)); (Business) (Foreign Government)**

Litchi fruit must be grown in orchards registered with and monitored by the Vietnam NPPO to ensure it is free of disease caused by *Phytophthora litchii*. Registration allows for inspection of fruit crops and provides traceability of fruit origin.

**Labeling “Not for Importation Into or Distribution in FL”; (7 CFR 319.56-70(c)); (Business)**

Cartons containing litchi or longan fruit must be stamped “Not for importation into or distribution in Florida.” This is consistent with other APHIS import programs where shipments fruit are prohibited in Florida for the same pest.

**Phytosanitary Certificate with Additional Declaration; (7 CFR 319.56-70(e)); (Business) (Foreign Government)**

Each consignment of litchi and longan fruit must be accompanied by a phytosanitary certificate issued by the Vietnam NPPO which includes a declaration stating the conditions of 7 CFR 319.56-70 have been met. Certificates for litchi must also include an additional statement that the consignment has been inspected and found free of *Phytophthora litchii*.

**Notice of Arrival (PPQ Form 368); (7 CFR 319.56-3d(1)); (Business)**

Importers of regulated articles must complete PPQ Form 368 (or equivalent Federal form depending upon port procedures) at or before the shipment’s arrival into the United States. The form provides information needed by Federal inspectors or officers to identify and track shipments en route to the United States, and to schedule inspections and treatments at the appropriate ports of entry. Timely submission mitigates delays in the port clearance process.

**Emergency Action Notification (PPQ Form 523); (7 CFR 319.56-3d(2)); (Business)**

PPQ Form 523 is prepared 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. Receipt and consignment disposition are annotated by the stakeholder before further port clearance procedures may resume.

**Recordkeeping; (7 CFR 319.56-70); (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.

**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.**

The Vietnam NPPO documents orchard registrations and issues phytosanitary certificates. APHIS has no influence over other nations with regard to automating phytosanitary certificates but they may follow APHIS or international guidelines for format and content. APHIS enters

phytosanitary certificate information into the electronic APHIS Agricultural Quarantine Activity System (AQAS) upon receipt at the United States port of entry.

Methodology for labeling cartons 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](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](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](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 of the purpose described in item 2 above.**

The mission to prevent the spread of plant pests in the United States is exclusive to USDA APHIS and the information it collects 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 ensuring increased variety of fruits and vegetables imported from other countries. APHIS estimates 98 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.**

Failing to collect this information would severely limit APHIS' ability to ensure litchi and longan fruit shipments from Vietnam are not carrying plant pests such as *Bactrocera cucurbitae* and *Conogethes punctiferali*. Consequently, the introduction of insect pests and disease into the United States could result in catastrophic losses to American fruit crops and the loss of hundreds of millions of dollars for the United States fruit industry.

**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;**

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 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 recently consulted with the following individuals regarding this program:

Phat Ming Tran  
An Phu Irradiation Joint Stock Company  
119A.2 Group 4, Hamlet 1B  
An Phu, Thuan An Dist,  
Binh Duong Province, Vietnam  
Tel. 011-84-650-371-4036

Vo Sok Diong  
An Son Joint Stock Company  
247 Kim Ma, Ba Dinh.  
Hanoi, Vietnam  
Tel. 011-84-8-754-0164

Huong Cho Kim  
Thuy Son Joint Stock Company  
No 01  
TS1 Street, Tien Son Industrial  
Tien Du District, Bac Ninh, Vietnam  
Tel. 011-84-241-626-3679

On Friday, November 3, 2017, APHIS published in the Federal Register on pages 51211 and 51212 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 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.

- **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 (529) by the estimated hourly wage (\$19 per hour). APHIS estimates the annualized cost to respondents to be \$10,051.

Respondents are growers, importers, and Vietnamese government officials. The average hourly wage was calculated using wage information for agricultural growers and government agricultural officials (\$7.25) and importers (buyers and purchasing agents, \$30.73) obtained from the APHIS International Services Office in Manila, Philippines; and the U.S. Department of Labor's May 2016 Occupational Employment and Wages Report (<https://www.bls.gov/news.release/pdf/ocwage.pdf>).

**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 no 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.**

See APHIS 79. The estimated cost for the Federal Government is \$10,103.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 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	31,019		515	29,502		1,002
Annual Time Burden (Hours)	529		271	2		256

In this renewal, the number of respondents increased from 3 to 7, adding importers and the Vietnamese NPPO. The number of annual responses changed from 1,002 to 31,019 for a net increase of +30,017 responses, and the total total burden hours changed from 256 to 529 for a net increase of + 273 hours.

The most significant change is attributed to an estimate adjustment. Labeling (Business) has increases to its estimates for both responses and burden, adding 29,502 additional responses and 2 additional hours of burden. The increases are attributed to more cartons and an adjustment to response time.

Two activities have discretionary program adjustments attributed to additional respondent types being added to the activities. They are Orchard Registration (Foreign Government) which added 6 responses and 6 hours of burden, and Phytosanitary Certificates (Business) which added 498 responses and 249 hours of burden.

Six activities are new, being inadvertently omitted in the previous submission and now added as potential violations of the Paperwork Reduction Act. They include Recordkeeping (Business) with 6 responses and 6 hours of burden, and Recordkeeping (Foreign Government) with 1 response and 6 hours of burden. Also added were Application for Permit (PPQ Form 587, Appeal of Denial or Revocation of Permit (Business), Notice of Arrival (PPQ Form 368) (Business), and Emergency Action Notification (PPQ Form 523) (Business). These four

activities added 1 response and 1 hour of burden each. They are not substantial and were added as placeholders for future burden analysis.

All of these changes are summarized in the two tables below. Under the respondent type column, B = business, I = individual, FG = foreign government, NFP = not for profit, and Farm = farm. Under the Type of Change column, “Adjust” indicates an adjustment to the Agency estimate, “Program” indicates a program change due to agency discretion, and “New” indicates a new burden.

**CHANGES IN RESPONSES**

<u>REGS</u>	<u>REASON</u>	<u>RESP</u>	<u>PREVIOUS RESPONSES</u>	<u>NEW RESPONSES</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
319.56-3	Import Permit	B	0	1	1	New
319.7-5	Appeal of Denial of Permit	B	0	1	1	New
319.56-70(a)	Orchard Registration	B	6	6	0	No Change
319.56-70(a)	Orchard Registration	FG	0	6	6	Program - respondent
319.56-70(c)	Labeling	B	498	30,000	29,502	Adjust
319.56-70(e)	Phytosanitary Certificate	B	0	498	498	Program - respondent
319.56-70(e)	Phytosanitary Certificate	FG	498	498	0	No Change
319.56-3d(1)	Notice of Arrivals	B	0	1	1	New
319.56-3d(2)	Emergency Action Notif	B	0	1	1	New
319.56-70	Recordkeeping	B	0	6	6	New
319.56-70	Recordkeeping	FG	0	1	1	New
			+ 1,002	+31,019	+30,017	

**CHANGES IN BURDEN HOURS**

<u>REGS</u>	<u>REASON</u>	<u>RESP</u>	<u>PREVIOUS BURDEN</u>	<u>NEW BURDEN</u>	<u>DIFFERENCE</u>	<u>TYPE OF CHANGE</u>
319.56-3	Import Permit	B	0	1	1	New
319.7-5	Appeal of Denial of Permit	B	0	1	1	New
319.56-70(a)	Orchard Registration	B	6	6	0	No Change
319.56-70(a)	Orchard Registration	FG	0	6	6	Program - respondent
319.56-70(c)	Labeling	B	1	3	2	Adjust
319.56-70(e)	Phytosanitary Certificate	B	0	249	249	Program - respondent
319.56-70(e)	Phytosanitary Certificate	FG	249	249	0	No Change
319.56-3d(1)	Notice of Arrivals	B	0	1	1	New
319.56-3d(2)	Emergency Action Notif	B	0	1	1	New
319.56-70	Recordkeeping	B	0	6	6	New
319.56-70	Recordkeeping	FG	0	6	6	New
			+ 256	+ 529	+ 273	

**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 under the act.

**B. Collections of Information Employing Statistical Methods.**

Statistical methods are not used in this information collection.